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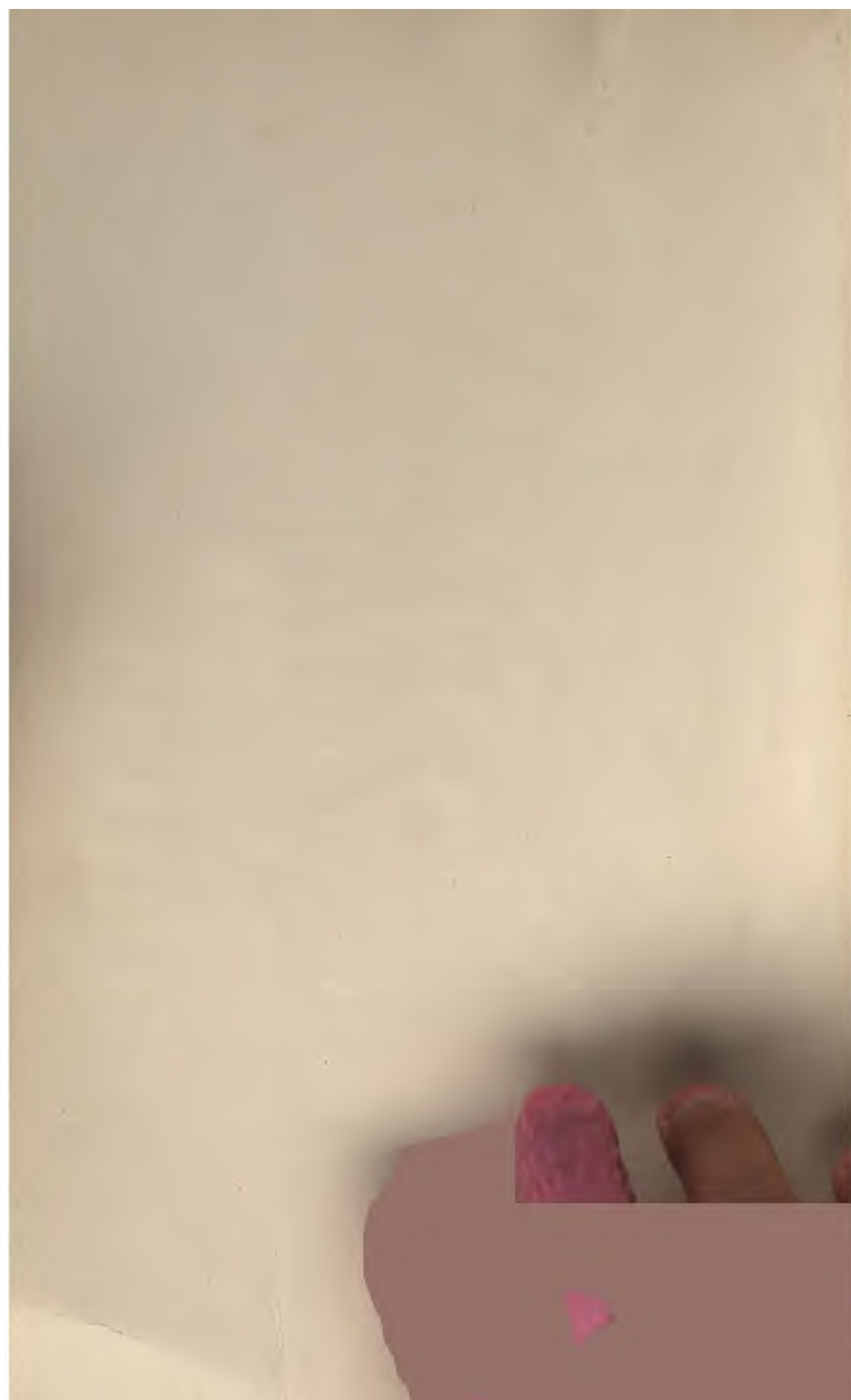
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THE FINANCIAL RELATIONS OF THE KNIGHTS
TEMPLARS TO THE ENGLISH CROWN¹

THE order of the Knights Templars is familiar to all readers of the history or romance of the twelfth and thirteenth centuries for its courage, military prowess, wealth, and somewhat arrogant pride. The Templars together with the Knights of the Hospital of St. John long formed the most stable element in the Holy Land and their military services there have received full recognition. But the order also rendered important services to Christendom in a very different field of action. In the unwarlike atmosphere of the counting-room, the soldiers of the Temple, for over a century, handled much of the capital of western Europe, becoming expert accountants, judicious administrators, and pioneers in that development of credit and its instruments, which was destined to revolutionize the methods of commerce and finance. This civil aspect of the Knights Templars is comparatively little known. The custom of storing treasure at the New Temple in London is described and illustrated by Mr. Addison whose history of the order appeared in 1842.² Professor Cunningham, in the third edition of his *Growth*

¹ The following contractions are used in the foot-notes that follow :

Bond is the abbreviated reference to *Extracts from the Liberate Rolls*, by E. A. Bond *Archæologia*, XXVIII. London, 1840.

Delisle is for "Mémoire sur les Opérations Financières des Templiers. Mémoires de l'Institut National de France." *Académie des Inscriptions et Belles-Lettres*, XXXIII. Paris, 1888.

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R. S. is for "Rolls Series."

Rymer is for *Fœdera*, ed. Thomas Rymer. Record Commission, 4 vols. London, 1816-1869.

² *History of the Knights Templars*, pp. 122-125.

of *English Industry and Commerce*, has credited the Templars with a share in the financial operations of the thirteenth century.¹ In 1889, M. Léopold Delisle made "Les Opérations Financières des Templiers" the subject of a *mémoire* before the Académie des Inscriptions et Belles-Lettres,² in which, after illustrating the employment of the order in financial affairs by the popes and by many of the princes, prelates, and magnates of western Europe, he has dealt exhaustively with the financial relations between the French kings and the Templars. It is the object of the present study to set forth, as precisely as may be, the exact nature and extent of the financial relations between the Templars and the English Crown. The subject is deserving of investigation both because of the slight contribution it may yield to the fiscal history of England in the thirteenth century, and because the civil services which the order had long been rendering at the time of its dissolution ought to be taken into account in a final estimate of its place in history.

Every financial transaction is a matter of receipt or disbursement according to the point of view. If one take one's stand in the Temple treasury in London, the relations of the order with the outside world resolve themselves, so far as money is concerned, into these two general classes. Under receipt the Temple is to be considered as a place of safe-deposit for those who had valuable possessions and as a royal treasury where funds were stored and taxes paid in. The outlook is towards the exchequer at Westminster where the fiscal system of the realm centered, and beyond to the various sources from which the king's revenue was derived. Under the second head of disbursements the relations to be examined are more directly with the king. In addition to loans and payments made at the king's order, are to be considered some more complex banking operations, in the development of which the Templars were, in M. Delisle's opinion, the rivals, if not the precursors, of the Italian societies of merchants.

The fact of any connection between the order of soldier monks, devoted to the rescue and defense of the holy sepulchre, and the financial affairs of Christendom is to be accounted for, possibly, by the common medieval practice of depositing objects of value in consecrated places for security during times of trouble and tumult. In addition to the spiritual protection of a hallowed spot, the houses of the Templars possessed the great practical advantages of having been built by men who were excellent engineers and of being defended by the bravest soldiers of the age.³

¹ P. 274.

² *Mémoires de l'Institut National de France*, XXXIII.

³ Delisle, p. 2.

To speak only of England, all classes of persons who possessed treasure seem, during the thirteenth century, to have availed themselves of the New Temple¹ for purposes of what would to-day be called safe-deposit. In the absence of any records kept by the Templars, there is evidence of this custom of storing gold, silver, jewels, and the like at the Temple on the part of individuals only when circumstances happened to give publicity to the fact. Many thirteenth century chroniclers record such deposits incidentally in narrating the story of their sequestration or confiscation. This was the case with the 40,000 marks entrusted to the Templars by Falkes de Breauté, the Norman adventurer who had served John but fell into conspiracy and rebellion against the government of Henry III. In 1226, the masters of the order in both France and England were directed to sequester this sum as an indemnity for his depredations.² So also it appears that Hubert de Burgh had deposited his treasure at the New Temple, since Henry III. confiscated it there in 1232.³ The departing Poitevins left a large sum at the Temple when they were forced to leave England in 1258.⁴ Five years later, Edward, the heir to the throne, seized £10,000 which had been deposited at the Temple by the merchants and magnates of the land.⁵ In 1278, the bishop of Rochester's chest was sequestered at the Temple on the ground of debt.⁶ Just before the downfall of the order, Edward II. seized and gave to Piers Gaveston £50,000 which had been placed in the custody of the Templars by Bishop Langton, his father's treasurer.⁷ Thus, justly or unjustly, the thirteenth century kings of England, from time to time, replenished their funds by confiscating the treasure entrusted to the Templars. These unfortunate depositors are doubtless but a small proportion of the many, whose treasures, safely guarded and restored intact, were unrecorded in the annals of the time.

"About the beginning of Henry the Second's reign, the Knights Templars, leaving their home in Holburne, situate on the south part of that street where Southampton House lately stood, . . . did, for their more conveniency, set up another habitation for themselves over against the end of a street heretofore called New Street but now Chancery Lane; which had thereupon the name of the New Temple and contained all that space of ground from the White Fryers westwards unto Essex House, without Temple Barr."—Dugdale, *Originale Juridicales*, 144.

¹ *Rot. Claus.*, II. 214.

² Matthew Paris (R. S.), III. 232; Roger of Wendover (R. S.), III. 41; *Calendar of Documents rel. to Scotland* (ed. J. Bain), I. No. 1163.

³ Matthew Paris (R. S.), V. 704; Stubbs, *Const. Hist.* (fourth edition), II. 81.

⁴ *Annales Monastici* (R. S.), III. 222; Gervase of Canterbury (R. S.), II. 222; Sharpe, *London and the Kingdom*, I. 94.

⁵ *Calendar of Close Rolls*, 1272–1279, pp. 446–447.

⁶ Walter of Hemingburgh (Eng. Hist. Soc.), II. 273; Stubbs, *Const. Hist.*, II. 335.

The Temple was also, quite naturally, used as a place of deposit for papal subsidies,¹ and for bequests and grants in aid of the Holy Land. Notices in the records of the period from Henry II.'s reign to that of Edward II. furnish abundant evidence that this was the usual practice.² Thus the custom of storing treasure at the New Temple may be regarded as established by the beginning of the thirteenth century. There were deposited the wealth of the magnates of the land, lay and ecclesiastical, the surplus capital of the merchants, and the papal subsidies.

By far the largest depositors on the books of the Templars were doubtless the English kings who regularly made use of the Temple as one of the royal treasuries. "It is to be understood," says Madox, "that the king had several treasuries, for though the receipt of the Exchequer was the principal place where his treasure was paid in, yet it was sometimes paid and deposited, at least for the present, in the king's wardrobe, in the Tower of London, and in the New Temple at London."³ An early notice of this use of the New Temple occurs in a fragment of an exchequer receipt roll for the year 1185. From this it appears that the exchequer was at Westminster. From funds received there, the treasury at Winchester was replenished, while the balance was deposited in the Temple. This was at the Michaelmas term. An accountant who appeared in the following February paid in his money directly at the Temple.⁴ King John deposited the crown jewels and important records in the Temple, as well as money; in 1215, for example, the account of a secret agreement between John and his sister-in-law, Berengaria, was placed in the New Temple.⁵ Under Henry III. and Edward I., the Temple continued to serve as a royal treasury. In 1220, the papal nuncio, Master Pandulf, then an important factor in the English government, wrote to the treasurer and vice-chancellor to deposit the money in hand at the house of the Temple.⁶ In 1276, Ed-

¹ In 1214, the papal legate was entertained at the New Temple for three days at a cost to King John of £6 19s. 5d. *Rot. Claus.*, I. 175. See also Matthew Paris (*R. S.*), IV. 557.

² Henry II. in his will of 1182 provided that a bequest for the Holy Land should be entrusted to the Templars. Rymer, I. 47. Almost a century later, Richard of Cornwall's bequest for the same object was deposited with them. *Compilation de Bérard de Naples*, cited by Delisle, 29, 109. Subsidies for the Holy Land were to be deposited at the Temple in 1286. *Calendar of Patent Rolls*, 1281-1292, pp. 231, 244; in 1291, Madox, *Exchequer*, I. 271, note G; and in 1300, Bond, 215. See also *Calendar of Patent Rolls*, 1301-1307, pp. 27, 63, 234; and *Rotuli Parliamentorum*, I. 343.

³ Madox, *Exchequer*, I. 267.

⁴ *Receipt Roll of the Exchequer for Michaelmas Term*, 1185, pp. vi, 31.

⁵ Rymer, I. 126; *Letters of Royal and Illustrious Ladies* (ed. M. A. E. Wood), I. 31. For other examples in John's reign, see *Rot. Pat.*, 48, 54, 51, 58, 131, 134; *Calendar of Documents rel. to Ireland* (*R. S.*), I. No. 541.

⁶ *Letters, Henry III.* (*R. S.*), I. 113; see also pp. 118-120.

ward I. had a deposit at the Temple from which he withdrew 1,000 marks.¹ Many texts of the thirteenth century record the paying in or actual receipt at the Temple of various specific kinds of taxes, such as aids,² carucage,³ fractional grants of movables,⁴ tallage of London⁵ and of the Jews,⁶ the Irish treasure,⁷ queen's gold,⁸ and feudal dues.⁹

A survey of the available evidence concerning the Temple as a royal treasury leaves the impression that it was constantly employed for this purpose for about a century. The relations between it and the exchequer tended to become closer as time went on. In the first twelve or fifteen years of Edward I.'s reign, the Temple treasurer must constantly have been carrying on his books a large volume of accounts relative to the receipt of the royal revenue. Yet, important as these services must have been, it is at this point that the chief difference appears between the relation of the order to the fiscal system in England and in France. Unfortunately, in the matter of records, there is nothing for England comparable to a document printed by M. Delisle, which, he is convinced, is a part of a day-book kept by the Templars at the Temple in Paris during 1295-1296.¹⁰ From this and from other evidence produced by M. Delisle, it is clear that, from the time of Louis IX. well into the reign of Philip the Fair, the chief royal treasury was at the Temple. The treasurer of the Temple was the king's treasurer. France, less fortunate than England in her administrative development, owed what order and system there were in the management of the fisc to the Templars. Yet, if in England the Temple played a comparatively subordinate rôle, it still seems to have been an integral part of the financial system of the government.

¹ *Calendar of Close Rolls, 1272-1279*, p. 264. For further illustration of this practice, see *Calendarium Rotulorum Patentium* (R. C.), p. 21; Madox, *Exchequer*, I. 270, note F.

² Rymer, I. 87; *Rot. Claus.*, I. 516.

³ *Ibid.*, I. 437, cf. Dowell, *Taxation*, I. 37.

⁴ Matthew Paris (R. S.), III. 230-232; Rymer, I. 207; cf. Dowell, *Taxation*, I. 62, 66; Matthew Paris (R. S.), III. 221; cf. Dowell, *Taxation*, I. 65, 66; Madox, *Exchequer*, I. 270, note D; cf. Dowell, *Taxation*, I. 68; *Deputy Keeper's Report*, V. 64, No. 445; *Calendar of Close Rolls, 1272-1279*, pp. 21, 25, 79; *Calendar of Patent Rolls, 1272-1281*, pp. 140-141; *Ibid.*, 1281-1292, pp. 70, 184; *Hist. MSS. Com.*, IV. 395.

⁵ *Calendar of Close Rolls, 1272-1279*, p. 63.

⁶ *Calendar of Patent Rolls, 1272-1281*, pp. 52, 99, 100.

⁷ *Calendar of Documents rel. to Ireland* (R. S.), I. No. 2871; No. 3013; No. 3189.

⁸ *Calendarium Rotulorum Patentium* (R. C.), 21; Madox, *Exchequer*, I. 270, note E.

⁹ *Rot. Pat.*, 189; *Rotuli Selecti*, ed. J. Hunter (R. C.), 117; *Calendar of Close Rolls, 1272-1172*, p. 943; *Calendar of Patent Rolls, 1272-1281*, pp. 166-167, 170-171, 208.

¹⁰ Delisle, 73-86, app. xxix; also pp. 40-73 and app. xxii-xxviii.

Individual knights and the order as a whole were commonly employed by the English kings in the collection and transportation of revenue, missions for which they possessed obvious qualifications. Movable property was first taxed in order to provide money for the Crusades. In the ordinances of 1184 and 1188,¹ it is provided that a Templar and a Hospitaller should assist in the collection of the money in each district. It would seem from the story of Gilbert Hoxton that the Templars were sometimes unworthy of the trust imposed. Gilbert Hoxton was a brother of the Temple of Jerusalem whom the Lord King had appointed to collect tithes together with his clerks. Money was constantly being added to the chest, yet the sum total steadily diminished. It was presently found that Brother Gilbert was responsible for this phenomenon and we read that, although spared by the King, he was properly punished by the master of the Temple.²

Both John and Henry III. frequently sent Templars on financial errands.³ In Henry III.'s time, the order of the Templars and that of the Hospitallers were employed for the transportation of money between England and Ireland, and between England and France. In 1228, for example, the indemnity which Henry III. had agreed to pay for injuries to the men of St. Émilion was entrusted, on account of the dangerous conditions of the roads, to the Templars in England, who undertook to see that it was safely brought to Paris.⁴

A Templar was sometimes employed as one of a board for auditing accounts.⁵ In one case, in 1294, a committee of three to adjust the conversion from old to new money included both the preceptor and treasurer of the Temple in London.⁶ Thus it seems to have been customary to employ Templars in matters of financial administration which involved skill, accuracy, and honesty throughout the thirteenth century. They must, therefore, have possessed these qualities in the opinion of the government. The order as a whole, and individual members, like Aimeric de St. Maur in the first quarter of the century or Brother Warin in the last, were honest and efficient agents in matters pertaining to finance.

The first of the functions to be examined under the general head of disbursements is in the nature of what would to-day be called

¹ Stubbs, *Select Charters*, 159; *Liber Custumarum* (R. S.), 654; *Benedict of Peterborough* (R. S.), II. 31.

² *Benedict of Peterborough* (R. S.), II. 47-48.

³ *Rot. Pat.*, 122, 123, 142, 159; *Rot. Claus.*, I. 381, 514, 558.

⁴ *Letters, Henry III.* (R. S.), I. 336-337. See also *Rot. Claus.*, I. 431; *Rôles Gascons* (Ed. Michel), I. No. 3999; *Deputy Keeper's Report*, V. p. 62, No. 409.

⁵ *Calendar of Documents relating to Ireland* (R. S.), I. No. 2157; II. No. 238; *Calendar of Patent Rolls, 1272-1281*, pp. 379, 451.

⁶ *Calendar of Patent Rolls, 1292-1301*, p. 88.

"trusteeship." From the middle of the twelfth to late in the thirteenth century, the Templars occasionally acted as trustees of funds placed in their custody for the execution of some specified project, which they held for a longer or shorter time and then paid out according to the terms of the trust. Bishop Stubbs has pointed out the special qualifications of the military orders for services of this sort:¹—"Their character as corporations, undying and free from the evils of old age and infancy, and, perhaps, a trust not misplaced in the virtue and honor of the knights."

The earliest notice of the employment of the Templars as trustees comes from the first part of Henry II.'s reign.² Louis VII. had taken from Stephen certain castles in Normandy which Henry II. was anxious to recover. He accordingly arranged a marriage between his infant son and Louis VII.'s daughter, who was to receive the castles as her dower. Until the children should be old enough to marry, it was agreed that the castles should be held in trust by the Templars. In Henry II.'s will there is an allusion to money entrusted to the Templars before 1182.³ John, in 1214, made them trustees of certain sums to be paid to two of his French vassals.⁴ To mention one of several instances in the reign of Henry III., the Countess of Leicester was induced to sign the renunciation clause in the treaty between Henry III. and Louis IX. only by the deposit of 15,000 marks with the Templars in Paris as a guaranty fund, securing her dower rights from the Marshall estate.⁵ These examples sufficiently illustrate the confidence reposed in the order's integrity and stability by English kings for over a century.⁶

The thirteenth century kings of England were in an unfortunate position financially. Their needs had increased out of all proportion to their revenues, yet the king was still expected "to live of his own." Grants of supplies made from time to time by the Great Council were for emergencies of one sort and another, chiefly, of course, for war expenses. The collection of these grants took time; meanwhile expenses must be met. The earlier Norman kings pro-

¹ *Itinerarium . . . Ricardi* (R. S.), pp. cvi, cvii.

² William of Newburgh (R. S.), I. 158-159.

³ Rymer, I. 47.

⁴ M. Delisle (pp. 11-12) has explained that these pensions were awarded by John as a stroke of diplomacy to keep to their allegiance some of his vassals whose lands had been seized by Philip Augustus. See *Rol. Pat.*, 116, 119, 121.

⁵ In 1273, Eleanor entered a claim for the 15,000 marks from Louis IX.'s executors. Philip III. wrote that Henry III. had received the money eight years before. See M. A. E. Green, *Lives of the Princesses of England*, II. 58-59; 114-115; Bémont, *Simon de Montfort*, 330-331, 182, 185, 250-251; *Deputy Keeper's Report*, VI. 90, Nos. 1124, 1130.

⁶ See also *Calendar of Documents rel. to Scotland* (ed. J. Bain), I. Nos. 1003-1005; Rymer, I. 616; *Calendar of Patent Rolls*, 1281-1292, p. 247.

vided against difficult situations of this sort by the practice of hoarding ; but the loss of the continental possessions made this solution more difficult for John and his successors. In the backward economic condition of England, there was no class of subjects upon which the king could rely for loans. Thus the question of financing their projects was for the English kings of this period an extremely serious one. The Jews were systematically drained dry of all the gold which the royal license enabled them to absorb. Extortion was practised upon the religious corporations. After the middle of the century, loans from the Italian merchants become prominent in the records.¹

On the other hand, the Templars were very wealthy. From the early days of its foundation, gifts to the order had been considered acts of piety calculated to promote the eternal welfare of the giver's soul, a subject in which the average man of the Middle Ages was most deeply interested. The order, therefore, acquired great estates from which large revenues poured into its treasury. That much capital was placed in its charge by individuals has already been shown. Thus the Templars were in a position to become the bankers of the English kings, since they had ready money and were in close financial relations with the government. The surprising thing is not that the kings borrowed of them, but that they did not borrow much oftener and in larger amounts than the evidence indicates.

Throughout his reign John frequently applied to the Templars for money, which they lent him sometimes on security, sometimes, apparently, on the royal promise to pay. In the last four years of his reign John often stayed at the Temple.² The master of the order in England, Aimeric de St. Maur, was one of those who steadily supported the King to the end. He advised John to sign Magna Charta, in which instrument his name appears ;³ and he was named in John's will as an executor with Pandulf, William Briwere, Walter de Lacy, Falkes de Breauté, and others.⁴ John evidently depended much on his aid and counsel.⁵ Aimeric de St. Maur lived until about 1219 when he was succeeded by Alan Marcel.⁶ The sums which the Templars lent to King John range from the comparatively trifling amount of one gold mark, which he borrowed in 1213 for an offering on the day of his absolution,⁷ to loans of

¹ Bond, pp. 212-225.

² Itinerary of John, in *Rot. Pat.*, Introduction.

³ Stubbs, *Select Charters*, 296 ; Matthew Paris (R. S.), II. 584, 589-590.

⁴ Stubbs, *Const. Hist.*, II. 17 ; Rymer, I. 144.

⁵ *Rot. Pat.*, 38, 156, 157.

⁶ *Deputy Keeper's Report*, IV. 156.

⁷ *Rot. Claus.*, I. 148.

one thousand marks at a time which enabled him to bring Poitevin troops to his aid in England in 1215.¹ In the years from 1203 to 1206, the Templars frequently lent John the money necessary for the ransom of his soldiers or agents who had been captured in France. The accommodation seems often to have consisted both in supplying the money and in effecting the payment of the ransom between, for example, London and Paris, or London and Gascony.² In the summer of 1216, John twice applied to the Templars for money. Brother Aimeric lent 200 marks to Engelard de Cygony in July and received a receipt from John in August.³ In September, about six weeks before his death, John wrote from Oxford to the bailiffs of Bristol that he was trying to borrow 200 marks from the Templars with which to reward the town for its aid.⁴ The Templars, in common with all the other religious corporations, had to submit to extortion on John's part; as in 1210 when he raised £100,000 from church property by "inestimable and incomparable exactions," and the Black Friars, Hospitallers, and Templars were heavily taxed.⁵

Henry III.'s borrowings of the Templars were chiefly to meet expenses arising from his relations with France. The peace of Lambeth which secured the withdrawal of Prince Louis from England involved the payment of 10,000 marks. For this purpose 500 marks were borrowed from the Templars in 1221, and the issues of the manor of Godmanchester were turned over to them until the debt should have been discharged.⁶ The order furnished money for the expenses of an embassy to France in 1225⁷; and, in 1242, when Henry III. had been reduced to financial straits by the ignominious Gascon expedition, a loan of 500 marks was made to him by the Templars in Paris.⁸ In the next period of Henry's reign the pressure for money was very great. Heavy loans were made by the merchants of Florence and Sienna to meet the expenses of the Pope's Sicilian projects which the King had undertaken to finance.⁹ In the troubled years from 1260 to 1266, money was raised on the crown jewels which had been sent to France.

¹ *Rot. Claus.*, I. 194, 198, 221; *Rot. Pat.*, 135, 141, 152, 153; see also pp. 11 and 49.

² *Rot. de Liberate*, ed. Hardy (R. C.), 54; *Rot. Pat.*, 33, 41, 42, 51, 65, 116.

³ *Rot. Pat.*, 190, 192.

⁴ *Rot. Pat.*, 196.

⁵ Matthew Paris (R. S.), II. 530; *Annales Monastici* (R. S.), II. 264.

⁶ Stubbs, *Const. Hist.*, II. 25; *Rot. Claus.*, I. 376, 465, 479. A loan of £250 was also made in this year. *Ibid.*, I. 514.

⁷ *Rot. Claus.*, II. 55.

⁸ *Rôles Gascons* (ed. Michel), I. 132.

⁹ Stubbs, *Const. Hist.*, II. 68-73.

where the Queen placed them in the Temple at Paris.¹ The Templars were connected with these operations, but as intermediaries not as principals.

The expenses of Edward's expedition to the Holy Land were not covered by the twentieth granted in 1269 and devoted to that purpose.² Large advances were made by the Templars in Paris and in the Holy Land. In the first year of his reign, Edward made a payment of 2,000 marks on a debt of £28,189 8s. 4d., for which he was bound to the treasurer of the Temple at Paris.³ In 1274, William of Beaulieu, master of the order, acknowledged the repayment by Edward of money which he had borrowed of the Templars in the Holy Land to the amount of £24,974 and £5,333 6s. 8d.⁴ It does not appear that Edward I. borrowed of the Templars so frequently as his father had done.⁵ The Italian societies of merchants supplied him with large sums. For example, in 1299, Edward guaranteed the agents of the Friscobaldi in London against any loss they might incur in connection with a loan of "2,000 pollard marks and other money now current in England," which the King had appointed them to receive of Brother Hugh, a Templar. The King agreed to pay back the loan to the Templars at a specified rate and time.⁶ Edward also borrowed of the Hospitallers, as in 1276, when they lent him 2,000 marks.⁷

Throughout the thirteenth century, it appears that the Templars frequently acted as the bankers of the English kings in the matter of loans, though the sums advanced, if Edward I.'s borrowings in the Holy Land be excluded, do not make an impressive total as compared with money derived from other sources. The order showed its practical business methods by exacting security and by the definite arrangements for repayment which were usually specified in the documents. The question as to how the Templars indemnified themselves for their services in these and other financial operations

¹ Rymer, I. 410, 435, 492, 505.

² *Deputy Keeper's Report*, V. 64, No. 445.

³ *Issues of the Exchequer*, translated by F. Devon, pp. xvii, 86; Rymer, I. 708.

⁴ Delisle, p. 245; Rymer, I. 514. Edward's notes, the letter adds, had been deposited at the Temple in Paris and could not be returned because the roads were insecure. See also Rymer, I. 516.

⁵ For further examples of loans made to Henry III. by the Templars, see *Rot. Claus.*, I. 612; II. 4; *Calendarium Rotulorum Patentium* (R. C.), 21; *Deputy Keeper's Report*, V. 85, No. 879. Sometimes the Templars refused to comply with Henry's demands. Matthew Paris (R. S.), V. 364.

⁶ *Calendar of Patent Rolls*, 1292-1301, p. 419. For other loans made by the Templars to Edward I., see *Calendar of Patent Rolls*, 1272-1281, p. 375; Madox, *Exchequer*, I. 612-613; *Calendarium Rotulorum Originalium* (R. C.), I. 114.

⁷ *Calendar of Patent Rolls*, 1272-1281, p. 147. See also *Calendarium Rotulorum Originalium* (R. C.), I. 114; *Calendar of Patent Rolls*, 1301-1307, p. 443.

can more conveniently be examined after the other matters have been considered.

Frequent notices occur in the records of the thirteenth century of payments made through the agency of the Templars. Some of these are in the nature of drafts upon a standing account. The king would address a letter to the master or to the master and brothers of the Temple, authorizing the payment, "from our treasure entrusted to you to guard," of definite sums to specified persons or their accredited agents. A few examples from each reign will sufficiently illustrate this practice.

John drew heavily upon his reserves at the New Temple for the operations in which he was engaged during the last four years of his reign. In the critical period from 1212 to 1214, large sums were sent to the continent to the Emperor Otto who was John's chief ally against Philip Augustus,¹ and to the King's half-brother, William Longsword, Earl of Salisbury, who was in command of the English forces in Flanders and was captured at Bouvines together with Ferrand, Count of Flanders.²

In 1235, Henry III. gave his sister Isabella in marriage to the Emperor Frederick with the large sum of 30,000 marks as a marriage portion. The prompt payment of the money indicates the cordial relations between King and Emperor at this time. The last installment of 10,000 marks was paid to the Emperor's messengers by Brother Hugh de Stocton, treasurer of the Temple, from the King's deposits there, in June, 1237.³ Arrangements were made, in June, 1274, for providing Edward I. with funds when he should arrive in Paris on his way home from the Holy Land. Warin, treasurer of the New Temple, was directed to pay, for this purpose, 2,000 marks to an Italian merchant, Luke de Lucca.⁴ These transactions which the Templars performed for John, Henry III. and Edward I. apparently did not, in any case, involve a more complicated operation than that of cashing an order, on its presentation by the proper person at the Temple.

¹ *Rot. Claus.*, I., 124, 179; Rymer, I., 108.

² *Rot. Claus.*, I., 136; *Rot. Pat.*, XX. 100, 103, 104. In May, 1213, 10,000 marks were withdrawn from the King's deposits at the Temple. *Rot. Claus.*, I. 134. In 1214, Pandulf received orders for large sums to be paid from the King's deposits at the Temple. Stubbs, *Const. Hist.*, I. 561; *Rot. Pat.*, 107. See also *Rot. Pat.*, 104, 173.

³ Stubbs, *Const. Hist.*, II. 52; Bond, 236; M. A. E. Green, *Lives of the Princesses of England* II. 11; Rymer, I. 232. See also *Cal. of Doc. rel. to Ireland* (R. S.), 1171-1251, No. 2871.

⁴ *Calendar of Patent Rolls, 1272-1281*, p. 52. Edward I. frequently drew upon his deposits at the New Temple through orders to Brother Warin. See *Calendar of Patent Rolls, 1272-1281*, pp. 83, 84, 100, 140, 141.

In the class of disbursements next to be considered, money was transferred from the treasury to the Temple for the purpose of discharging definite obligations. The king wrote a letter to his barons of the exchequer or to his treasurer and chamberlains directing the payment to the Templars of a specified sum "to the use" of a specified person. The obligations thus discharged consisted of debts, including the repayment of some of the loans already considered, of gifts, and the execution of financial clauses in formal treaties and in more or less informal agreements which bound the king to the payment of marriage portions, pensions, and the like. It is not possible always to be sure as to just what function the Templars performed in these cases. Usually it is clear that their services consisted in accomplishing a payment between London and the continent without the actual transfer of money; that is, the Templars seem at an early period to have worked out between their various commanderies a system of money transfers by bills of exchange of which kings, magnates, and also the Italian merchants seem freely to have availed themselves.¹

It has already been observed that sometimes the Templars lent the money to meet a certain obligation and arranged for its payment to the person concerned. Repayment was sometimes provided for under their auspices. This was true of some of the ransoms in John's reign, notably those of William Briwere and Gerard de Athies.² John wrote from Oxford, July 22, 1215, directing his treasurer and chamberlains to pay to the Templars in England 1,100 marks on a debt which he owed Master Gerard Brochard in Poitou.³ In 1226, Henry III. bought a ship of the Spanish Templars. On July seventh he wrote to the master of the order in Spain that 200 marks for the price of the ship would be rendered him at the house of the New Temple in London in the hands of the master of that house; should this amount be unsatisfactory, more would be added.⁴ In 1257, a sum of 540 marks which Henry III. had borrowed of the merchants of Florence was to be repaid at the New Temple, London. The loan was made for the "affair in Sicily." The

¹ For the early history of bills of exchange, see Goldschmidt, *Universalgeschichte des Handelsrechts* (1891), 403-465, and Endemann, *Studien in der Romanisch-canonistischen Wirtschafts- und Rechtslehre*, I. 75-115.

² *Rot. Pat.*, 41, 42, 65.

³ *Rot. Claus.*, I. 221; see also *Rot. Pat.*, 152. In 1242, Henry III. at Bordeaux offered to repay the money, which he hoped to borrow of the master of the Temple at Paris, either in London or in Paris. *Rôles Gascons* (ed. Michel), I. No. 994. The loan to the Friscobaldi in 1299 was to be repaid at the Temple in Paris. *Calendar of Patent Rolls*, 1292-1301, p. 419.

⁴ *Rot. Claus.*, II. 154. An order of the same date was made for the payment of three marks to Brother Martin of the Temple in Spain for his expenses home. *Rot. Claus.*, II. 127.

instrument quoted in Rymer is a bond given by the King's procureurs at Viterbo to certain merchants of Sienna and Florence. Payment was to be made next Pentecost at the New Temple in London.¹

The Templars often executed the financial clauses of treaties, as in the case of the annual payment to the pope² and the indemnity to Louis of France,³ burdens resulting from John's folly and misrule with which the government of Henry III. found itself charged. An excellent illustration of the way in which payments on the continent were accomplished through the New Temple in London appears in an agreement between Henry III. and the Count of March for the transfer of the island of Oleron. Henry was to pay £200 to the master of the Temple in England annually for five years; the Templars were to pay the Count of March.⁴

The Templars were often employed for accomplishing the payment of gifts, marriage portions, pensions, and matters of that sort. The earliest notice occurs towards the close of Henry II.'s reign. The King agreed to give the widow of his son Henry £2,750 a year. One payment was to be made at the Temple at Sainte Vaubourg near Rouen in the spring, the other in the winter at Paris.⁵ In 1215, John wrote to the Pope concerning the dower of his sister-in-law, Berengaria. He had agreed to give her 2,000 marks for arrears and 1,000 marks annually in the future; the money was to be paid through the house of the New Temple in London.⁶ Arrangements were made in 1248 for yearly pensions to the King's uncles, Thomas and Amadeus of Savoy. Of the 700 marks paid into the exchequer annually by Hugh le Bigod, 500 were to be placed in the New Temple for Thomas, 200 for Amadeus.⁷

¹ Rymer, I. 365. This use of the Temple by the Italian merchants was not uncommon. In 1258, Henry III., his wife, and his son Edward borrowed 10,000 marks of the Florentine merchants pledging themselves to repay at the New Temple before June 24. See Pat. 42, Henry III., m. 6, cited by Bémont, *Rôles Gascons*, II. p. cxxv. For other examples of the custom of paying debts through the Temple, see *Rotuli de Liberate*, ed. Hardy (R. C.), p. 8; *Rot. Claus.*, I. 159, 471.

² *Rot. Claus.*, I. 396. See also *Rôles Gascons* (ed. Michel), I. p. 259, No. 2035.

³ *Rot. Claus.*, I. 415, 465.

⁴ Rymer, I. 218. In 1253, it was arranged that the bill of damages, which Henry III. had agreed to pay to his kinsman, the Count of Toulouse, for the depredations of his Gascon subjects, should be discharged at the Temple in Paris. *Rôles Gascons* (ed. Michel), I. No. 2175. For examples in 1259 and in 1279, see Rymer, I. 383, 409, 572.

⁵ *Calendar of Documents preserved in France* (R. S.), 918-1206, pp. 382-383.

⁶ *Rot. Pat.*, 181. Berengaria still had trouble in getting her money. The next year, John wrote to beg her to wait for payment until "the dark cloud which threatens us shall have been dissipated." *Rot. Pat.*, pp. xx, 200; *Letters of Royal and Illustrious Ladies*, ed. M. A. E. Wood, I. 31; *Rot. Claus.*, I. 480.

⁷ Rymer, I. 269. Other pensions paid for the King by the Templars are as follows: Peter Saracen, *Rot. Claus.*, I. 544; see also pp. 363, 381, and Delisle, p. 39; Vicomte de Thouars, *Rot. Claus.*, I. 581, 594; Hugh of Ostia, bishop and cardinal, *Rot. Claus.*, II. 118; Hubert Huese, *Rot. Claus.*, II. 126; Ferrand, Count of Flanders, Rymer, I. 196.

Services of this kind, often involving payments at a distance without the actual transfer of funds, were performed for the English kings by the Templars, especially in the first half of the thirteenth century; that is, before the societies of foreign merchants had become fully established in England. The Hospitallers may occasionally have rendered similar services,¹ but it seems that, on the whole, the Templars had the field almost to themselves until the middle of the century. These payments were, therefore, perhaps the most important of the financial operations conducted by the order for the English Crown.

Financial operations of the kind which have been described were performed by the Templars for nobles, merchants, and in general for such individuals or corporations as had need of them. A charter of the period between 1202 and 1206 sets forth the adjustment of a dispute by which Hugh of Gloucester agreed to pay the abbot and monks of La Couture yearly, at Mid-Lent, ten marks of silver at the New Temple, London, in return for the possession of a manor and church which had been in dispute.² In 1205, four merchants of Cahors borrowed at the Temple the twenty marks which they were obliged to pay the King for his license to trade.³ The Templars had lent money to Hubert de Burgh, as it appears from an order in the close rolls of 1233. Henry III. had imprisoned Hubert but permitted the master of the Templars and Philip de Heye to have an interview with him in the presence of his guards. Nothing was to be spoken of but the money which Hubert owed to the brothers of the Temple.⁴

The Coursine usurers bound their debtors to payment at the New Temple, London.⁵ In 1252, a charter of the abbot and convent of St. Albans attested that they had borrowed 115 marks from a certain foreign merchant which they agreed to repay at a fixed time at the New Temple.⁶ Fulk, Archbishop of Dublin, in 1066 repaid at the Temple in London a loan of £100 and 550 marks for which he was indebted to the merchants of Florence.⁷ In 1283, Godfrey le Herdler, Gilbert de Harwe, goldsmiths, and Bartholomew, the cook, acknowledged themselves bound to the prior of the

¹ *Documents Illustrative of English History*, ed. Henry Cole (R. C.), 245; *Lettres de Rois* (ed. Champollion-Figeac), I. 94-95.

² *Calendar of Documents preserved in France* (R. S.), 918-1206, No. 1041.

³ *Rot. Claus.*, I. 55.

⁴ *Letters, Henry III.* (R. S.), I. 525.

⁵ *Matthew Paris* (R. S.), III. 329.

⁶ *Ibid.*, VI. 221.

⁷ *Historical and Municipal Documents of Ireland* (R. S.), pp. 166-168; *Historica MSS. Commission*, X. 216.

knights of the Temple of London in the sum of twelve shillings.¹ A few years later, in 1290, Richard Peterel bound himself to pay a debt of £118 17s. 6d., which he owed William de Hamelton for corn, at the New Temple "in the quinzaine of St. Michael."² These examples illustrate the position of the Templars as agents in an annual payment between England and France, as money-lenders, and as intermediaries between foreign merchants and their debtors.

The Templars could not have engaged in financial operations so extensively as the evidence indicates without a somewhat elaborate and minute system of bookkeeping, and in many respects they must have incurred risks and expenses similar to those of the modern banker. On the interesting question as to how the Templars indemnified themselves for these expenses, the available records throw practically no light. There are notices, now and then, of royal gifts to the order,³ and, what is more significant, of grants of special privileges in trade, as for shipping wine⁴ and wool.⁵ M. Delisle believes that the Templars made loans on suitable security from the capital deposited with them.⁶ The question still remains as to how this profited them in an age which held the sentiments of the thirteenth century on the subject of taking interest. The⁷ most suggestive evidence is to be found in the clause of the bonds, exacted by the foreign merchants of their debtors, which obliged the borrower to make an additional payment, "pro recompensacione dampnorum, interesse, et expensis," in case the money was not repaid at a specified time. Several such bonds have been referred to in order to illustrate the employment of the Temple as an exchange through which payments were made. The earliest, that quoted by Matthew Paris in his narrative for the year 1235, is the bond of the Causine usurers, so-called, who were the "papal merchants" from Cahors and other cities of southern France and Italy, and who came to England in that year to engage in the collection of the papal revenues.⁸ The borrowers agreed that, if they were unable to repay the money at a specified time, they would pay one mark for ten, every two months, for losses incurred.⁹ This is a rate of sixty

¹ *Calendar of Letter-Books*, Letter-Book A (ed. R. R. Sharpe), p. 72.

² *Ibid.*, 129-130.

³ *Rot. Claus.*, I. 17, 149; *Calendar of Documents rel. to Ireland* (R. S.), I. No. 2915.

⁴ *Rot. Claus.*, I. 159; *Rot. Pat.*, III.

⁵ *Ibid.*, 104; *Rot. Claus.*, I. 609.

⁶ Pp. 15, 87.

⁷ For the doctrine of interest or usury, see Ashley, *Economic History*, I. §17; II. §65.

⁸ Ashley, *Economic History*, I. 198; Cunningham, *Growth of English Industry*, I. 208; Bond, 212-215.

⁹ Matthew Paris (R. S.), III. 329.

per cent. per annum, seventeen per cent. more than the Jews were permitted to bargain for.¹

The exacting of any payment for the use of money which had been loaned was, of course, forbidden by the canon law and was abhorrent to the moral and religious feeling of the time. While commerce remained undeveloped, this feeling may be justified, as Professor Ashley has shown.² But as trade revived, constant evasions necessitated constant efforts at repression by the courts Christian within whose jurisdiction the matter lay. The Jews practised usury, and could not be deterred by such penalties as excommunication or refusal of Christian burial, the only ones at the disposal of the Church tribunals. The clause in the bonds, quoted above, was a device worked out in the first half of the thirteenth century by which Christians might make a profit on loans and still save their consciences and keep the letter of the law. Here was an elastic method for extending the business and the gains of the money-lender. "Interesse" was used in its original sense, meaning "id quod interest," that is, the difference between the creditor's present position and what it would have been if the terms of the agreement had been fulfilled and the debt paid at the appointed time. Even in the feeling of the period, the lender might conceivably incur loss by the delay, and therefore be entitled to compensation.³ We know that the French and Italian merchants practised this device or evasion, and that it was employed on one occasion by the head of the order of the Knights Templars. The possibility existed for the Templars to make large profits through the capital in their hands. To what extent they availed themselves of their opportunities, we have no means of knowing.

Records extending over a period of more than a century prove conclusively the close relations which existed between the English government and the Knights Templars. The financial operations which they performed for the English kings consisted, briefly, in the custody of treasure and the receipt of royal revenue, on the one

¹ Ashley, *Economic History*, I. 200. A similar clause was inserted in the note given for 115 marks to Florentine merchants by the abbot and monks of St. Albans in 1252, Matthew Paris (R. S.), VI. 221; in the loan negotiated at Viterbo for Henry III. in 1257, Rymer, I. 365; in the note given by Henry III. to merchants of Florence for a loan of 10,000 marks, in 1258, *Rôles Gascons* (ed. Charles Bémont), II. cxxv.; and in that of Fulk, Archbishop of Dublin to Florentine merchants, in 1266; *Historical and Municipal Documents of Ireland* (R. S.), 166-168. Finally, in the acquittance sent to Edward I., in 1274, by the master of the Templars, William of Beaulieu, for the repayment of the loan made to him in Palestine, a sum paid "tam super principali quam super custibus, dampnis, et interesse," is expressly mentioned. Rymer, I. 514.

² Ashley, *Economic History*, I. 155; II. 394-395; Cunningham, *Growth of English Industry*, I. 258.

³ Ashley, *Economic History*, I. 196; II. 399.

hand, and, on the other, in the administration of trusts, the advancing of loans, cashing of orders on deposits, and in effecting payments between London and the continent. The evidence shows, not that the Templars at any time financed the projects of the kings—the loans amount to a comparatively insignificant sum—but that their most useful services consisted in the handling of money derived from other sources. The practice of employing the Templars in financial affairs appears fully developed at so early a period, that they must, almost from the beginning, have been characterized by the integrity and administrative capacity which led men to turn to them in matters of trust; and, as the custom persisted up to the hour of their destruction, they must have continued to inspire confidence. Yet the Templars were certainly very unpopular with their contemporaries. That they shared the popular disfavor with the foreign merchants and the Jews is perhaps a significant fact. It has been suggested that, in addition to all the familiar explanations of their unpopularity, the fact should be taken into consideration that their connection with a lucrative financial business involved them in the suspicion which attached to all who were engaged in monetary transactions.¹ The important civil services performed by the Templars have been eclipsed by the splendor and romance of their military exploits. It seems, however, that by their financial operations they contributed to the progress of civilization in their time, and that posterity should recognize the services which in contemporary opinion brought them only dislike and distrust.

The circumstances under which the Templars met their end are sufficiently tragic, whether Philip the Fair's accusations had any basis in fact or not. Students of the subject to-day are practically agreed that the charges brought against them were totally unfounded. The iniquity of Philip's attack, which has been called the greatest crime of the Middle Ages, becomes the deeper as the order's efficient performance of the peaceful as well as of the military functions entrusted to it is the more clearly revealed.

ELEANOR FERRIS.

¹ Cunningham, *Growth of English Industry*, I. 274.

HABEAS CORPUS IN THE COLONIES

THE writ of habeas corpus has been regarded as one of the important safeguards of personal liberty, and the struggle for its possession has marked the advance of constitutional government. Magna Charta, Darnel's Case, the Petition of Right, the Bill of Rights and the Habeas Corpus Act bear witness to the importance of the struggle. Our rights at the present day therefore depend upon those acquired by our English forefathers as transmitted to the colonies, which are the connecting link in the process. Hence it is essential that we should know what rights the colonists possessed.

The ordinary conception is that the colonies did not have habeas corpus until it was given to them by England itself, and Queen Anne generally receives the credit for thus graciously extending the privileges of the writ. This idea rests primarily upon the statement of Chalmers. In speaking of Virginia he says that Spotswood, the new Governor, "was received by the Virginians with acclamations, because he had brought them liberty. Influenced by her new advisers, who had been, however, honored with colonial hatred, the Queen gave unsolicited to the provincials the invaluable benefit of the habeas corpus act, which had been denied by the late ministers."¹ This statement applied only to Virginia, and yet the impression seems to be general that the benefit was conferred upon the other colonies as well. It is doubtful if this so-called extension of the writ of habeas corpus really gave the Virginians much more than they already possessed. Just what was granted depends upon Spotswood's proclamation, which up to the present has not been printed. It will appear below ; but before examining the document, it will be necessary to consider just what the writ of habeas corpus is, and what its status was in the other colonies.

The writ of habeas corpus is issued by a court of law or equity, and commands that the body of the prisoner be produced before the court, in order that it may inquire into the cause of imprisonment or detention. Consequently it is meant for the protection of personal liberty and is properly known as the writ of *habeas corpus ad subjiciendum*. Although there are other writs of habeas corpus, yet this is the one which holds the high place in history. The thought underlying the writ depends upon early Saxon conceptions

¹ George Chalmers, *Introduction to the Revolt*, I. 395.

of individual right, and is fully expressed in the Magna Charta, which says that no free man shall be "taken or imprisoned or dispossessed, or outlawed, or banished . . . except by the legal judgment of his peers or by the law of the land."¹ This clause against arbitrary imprisonment was a formal expression of what already existed in the common law. Just when writs of this sort began to issue at common law is uncertain, but by the fifteenth century they were fully recognized.² In the strife of the seventeenth century between the powers of the King and the rights of the people, habeas corpus is frequently appealed to. These demands finally culminated in the Habeas Corpus Act of 1679, which provided for the effective application of the writ. It should be noticed that the law did not grant anything new; that it did not make habeas corpus, but merely made efficient a writ, which was recognized as already existing. The common law nature of the writ has been recognized by English and American courts,³ and it is a fair question whether our rights depend upon the common law or upon the statute of Charles II. Certainly it is worth inquiring whether the writ of habeas corpus extended to the colonies by common law or by statute law.

This question is answered in the opinions of the law officers of the English Crown, and in the rulings of the court. In 1720 Mr. West gave an opinion on the extension of the common law to the colonies, in which he said :

"The Common Law of England is the Common Law of the Plantations, and all statutes in affirmance of the Common Law passed in England antecedent to the settlement of the colony, are in force in that colony, unless there is some private Act to the contrary ; though no statutes made since those settlements are there in force unless the colonists are particularly mentioned. Let an Englishman go where he will, he carries as much of law and liberty with him, as the nature of things will bear."⁴

In 1729 the Attorney-General Yorke gave an important opinion upon the statute law in the following words :

"I am of opinion that such general statutes as have been made since the settlement of Maryland, and are not by express words located either to the plantations in general or to the Province in particular, are not in force there, unless they have been introduced and declared to be laws by some Acts of Assembly of the Province, or have been received there by long uninterrupted usage or practice."⁵

These famous opinions clearly state that the common law of England becomes *ipso facto* the common law of the colonies, and

¹ Magna Charta, Section 39. G. C. Lee, *Source-book of English History*, 175.

² W. S. Church, *A Treatise on the Writ of Habeas Corpus*, 3-4.

³ McAll, I, 71, 72. Also *Md. Reports*, XXXVIII. 203.

⁴ George Chalmers, *Opinions* (Colonial), 206.

⁵ *Ibid.*, 208.

that all statutes affirming the common law passed antecedent to the foundation of the colonies also extend thither. No statute laws made since the settlement would extend to the plantations unless they were especially mentioned, or unless they had been adopted by special legislation of the colonies, whose freedom in this respect was limited by the fact that most of their laws required the approval of England. Usage, precedent and practice were mightier forces than legislation, in extending English law; and the Attorney-General recognized this truth. There is little doubt that a much larger number of English statutes were applied in the colonies than would have been adopted in form had they been submitted to the provincial assemblies. This is explained by the fact that many of the colonial lawyers received their training in England, where they imbibed both statute law and common law.¹

The distinction between the common law and the statute law should be kept clear, for many difficulties will thus be cleared away. Even Chalmers had a tendency to confuse the two, for in speaking of the common law he says that the colonists did not know the benefits of the writ of habeas corpus.² In another place, speaking of the Habeas Corpus Act of Massachusetts, he maintains that it was unnecessary, evidently thinking of the common law.³ The distinction between the two has been carefully upheld by the courts, which have asserted in so many words that our forefathers brought the common law writ of habeas corpus to this Country.⁴ The question arises which are the statutes upon the subject and do they apply to America?

The great English statute is that of Charles II., which is known as "An Act for the better securing the liberty of the subject and for the prevention of imprisonments beyond the seas."⁵ It was passed in 1679 by rather doubtful means, if the story of Burnet is to be believed. In the preamble it is asserted that there had been great delays on the part of sheriffs and jailors in making returns to writs of habeas corpus for men imprisoned for criminal or supposed criminal matters. Consequently it was enacted that when such a writ was served upon the sheriff or jailor, or upon any of their under officers they should within three days bring or cause to be brought the body of the prisoner before the judge issuing the writ, unless the warrant of commitment was for treason or felony. A fine of five hundred pounds was laid upon the judge for failure to grant the

¹ See N. J. (Coxe), I. 389, foot-note. Dall, I. 75.

² G. Chalmers, *Political Annals of the Present United Colonies*, I. 678.

³ *Ibid.* New York Historical Society Collections for 1868, 113.

⁴ See McAll, I. 70 ff.

⁵ *Statutes of the Realm*, V. 935.

writ, while the jailor forfeited a hundred pounds for not making a return. This law was made to apply to any county palatine, to the Cinque Ports, and other privileged places within England, Wales, Berwick on Tweed, and the islands of Jersey and Guernsey. Persons charged with debt or civil action were excluded from the benefits of the act, while the criminal class was limited by the treason and felony clause. Lecky says that before the Revolution of 1688 there were only fifty capital offenses upon the statute book, but the number was increased until in 1770 it was estimated in Parliament that such crimes numbered one hundred and fifty, while Blackstone says that at that time they equalled one hundred and sixty. In 1786 it was said that the number had increased.¹ Felonious crimes tended to increase in number throughout the eighteenth century, and hence the Habeas Corpus Act was greatly limited. It is important only as marking the beginning of efficient legal protection for individual liberty, but its power grew as the terms "felony" and "treason" were limited in their meaning.

This statute, which is now considered to be one of the fundamentals of English liberty, makes no mention of the colonies. Hence, according to the opinions already cited, it did not extend to the plantations; and further testimony bears out the same conclusion. When the Charter of Liberties of New York came before the committee of trade and plantations, March 3, 1684, it contained the following clause: "That the Inhabitants of New York shall be governed by and according to the Laws of England." The committee observed that "This Privilege is not granted to any of His Ma^y Plantations where the Act of habeas corpus and all such other Bills do not take Place."² In 1692 Massachusetts passed a Habeas Corpus Act, which was practically a copy of the English act. Three years later this came before the Privy Council, which disallowed it: "Whereas . . . the writt of Habeas Corpus is required to be granted in like manner as is appointed by the Statute 31 Car. II. in England, which priviledge has not as yet been granted to any of His Maj^y Plantations, It was not thought fitt in His Maj^y absence that the said Act should continue in force and therefore the same is repealed."³

These quotations only strengthen the opinions first given, and prove that the Habeas Corpus Act did not extend to the colonies; but they do not prove that the colonists failed to enjoy the writ; as will be seen from an examination of the conditions in the various colonies.

¹ W. E. H. Lecky, *A History of England in the 18th Century*, VI. 246.

² *Documents Relating to the Colonial History of New York*, III. 357.

³ *Acts and Resolves of the Province of Mass.*, I. 99.

We have already noticed that in Massachusetts a Habeas Corpus Act was passed in 1692 which lasted for three years before it was repealed. This act, like that of England, laid heavy fines on both judge and jailor for the nonfulfilment of its provisions, and it also provided that even in cases of treason and felony the person should be released unless indicted at the next term of court.¹ There is evidence that before this Massachusetts was alive to the importance of legal protection, for we find a paper in the handwriting of Cotton Mather (probably written in 1686 before the arrival of Andros), in which he says that they were slaves without the Habeas Corpus Act, and that agents by their solicitations might get it allowed to them; that now was the time to strive for it.² This warning was needed, for in 1689 we find Judge Dudley arbitrarily refusing a writ of habeas corpus to a Mr. Wise.³ There is nothing in the incident, however, to indicate that there was anything new in the asking for such a writ. That it must have been a common practice is also shown by Samuel Sewall, for he speaks in his *Diary*, Dec. 11, 1705, of issuing a habeas corpus.⁴ This is especially interesting, for it was issued after the Massachusetts act was repealed and shows that the writ did not depend upon any statute law.

In New Hampshire, August 5, 1684, there was an application for a writ of habeas corpus by a Mr. Vaughan, who asked for it according to the statute commonly called the Habeas Corpus Act of 31 Charles II.⁵ A writ seems to have issued and an examination followed which resulted in the return of the prisoner to the jail. This was a case of arbitrary imprisonment growing out of a quarrel with the governor.

New York in 1690 had an interesting case resulting from the Leisler rebellion. To this writ of habeas corpus an insufficient return was made, and we find the bystanders hissing the court, which clearly shows the common ideas regarding the rights of habeas corpus.⁶ Here again there is nothing to indicate that the issuance of the writ was anything extraordinary. In the court laws there are some indications of habeas corpus, and these, together with the bail laws, formed the only strictly legal protection for personal liberty.

William Pinhorne, a New Jersey judge, refused to grant a writ of habeas corpus to Thomas Gordon, the speaker of the assembly.

¹ For the act itself see the above, p. 95.

² *Mass. Historical Society Collections*, Series 4, VIII. 390.

³ W. S. Church, *A Treatise on the Writ of Habeas Corpus*, 35.

⁴ *Mass. Historical Society Collections*, Series 5, VI. 147.

⁵ *Provincial Papers*, edited by Nathaniel Bouton, I. 542.

⁶ *Docs. Relating to Colonial History of N. Y.*, III. 680.

The latter was kept in prison fifteen hours and then was only released to bail upon an application made by a lawyer, who was the son of the judge.¹

Pennsylvania made provision for the issuing of writs of habeas corpus in the various court laws. Although these were repealed frequently in England, yet they were again and again re-enacted. In the laws of 1682 provision was made that any one unlawfully imprisoned should have double damages against the informer or prosecutor. This was abrogated in 1693, but was re-enacted the same year.² It was upon such acts that the legal protection of the Pennsylvanians depended.

One of the most interesting bits of colonial legislation was that of South Carolina, which passed an act in 1692 empowering the magistrates to "execute and put in force an Act made in the Kingdom of England, Anno 31, Caroli 2, Regis, commonly called the Habeas Corpus Act."³ McCrady says that this act was disallowed by the proprietors on the ground that it was unnecessary as the laws of England applied to the colony.⁴ The act seems to have been enforced despite the decision of the proprietors, for we find that the act of 1712 repealed in so many words that of 1692. The new law of 1712 provided that any two of the lords proprietors deputies, or the chief justice of the province, or any one of the lords proprietors deputies and one of the justices of the peace, or any two of the justices of the peace could put in execution the Habeas Corpus Act as "fully, effectually and lawfully as any Lord Chancellor, Lord Keeper, or any of Her Majestie's Justices, either of the one Bench, or the Barons of the Exchequer."⁵ This laid an extraordinarily heavy fine of five hundred pounds for the failure to execute the act. It also held that "all and every person which now is or hereafter shall be within any part of this Province, shall have to all intents, constructions and purposes whatsoever, and in all things whatsoever, as large ample and effectual right to and benefit of the said act, commonly called the Habeas Corpus Act, as if he were personally in the said Kingdom of England."⁵ This statute remained the law of South Carolina through the first quarter of the nineteenth century, and it is a good illustration of the difference between the laws of the various colonies. That South Carolina was more fortunate than Massachusetts may be explained by the fact that the law of the former might not have been submitted to England.

¹ Samuel Smith, *Hist. of the Colony of N. J.*, 391.

² *Charters to William Penn and Laws of the Province of Pa., 1682-1700*, 100.

³ *Statutes of S. C.*, edited by Thomas Cooper, II. 74.

⁴ Edward McCrady, *History of South Carolina, 1670-1719*, 247-248.

⁵ *Statutes of S. C.*, II. 399.

In Virginia the legal protection for individual liberty rested upon the bail law of 1645¹ until the famous extension of the Habeas Corpus Act by Queen Anne. This was embodied in the instructions given to Governor Spotswood, and by him was set forth in the following proclamation, of which a transcript was made from the Virginia Records for this article.

"At a court held in Virginia for the county of Henrico the fifth day of October 1710.

"Virginia SS

"By the Hon^{ble} the Lieut Governor

"A Proclamation.

"Whereas her Majesty out of her Royal grace and favour to all her Subjects of this her Colony and Dominion hath been pleased by her Instructions to Signify unto me her Royal Will and pleasure for preserving unto them their legal Rights and propertys which said Instructions are as followeth. Whereas We are above all things desirous that all our Subjects may enjoy their legal Rights and Properties, You are to take especial care that if any person be committed for any Criminal matters (unless for Treason or felony plainly and especially expressed in the Warrant of Commitment) he have free liberty to petition by himself or otherwise the chief Barron or any one of the Judges of the common pleas for a writt of Habeas Corpus which upon such application shall be granted and served on the Provost Marshall Goaler or other Officer having the Custody of such prisoner or shall be left at the Goal or place where the Prisoner is confined and the said Provost Marshall or other Officer Shall within three days after such service (on the petitioners paying the fees and charges and giving Security that he will not escape by the way) make return of the writt and Prisoner before the Judge who granted out the said Writt and there certify the true cause of the Imprisonment and the said Barron or Judge shall discharge Such prisoner taking his Recognizance and Suretys for his appearance at the Court where the offence is cognizable and certify the said Writt and recognizance into the Court unless Such offences appear to the said Barron or Judge notailable by the law of England And in case the said Barron or Judge shall refuse to grant a Writt of Habeas Corpus on view of the copy of Commitment or upon Oath made of Such copy having been denyed the Prisoner or any person requiring the same in his behalf or shall delay to discharge the Prisoner after the granting of such Writt the said Barron or Judge shall incur the forfeiture of his place. You are likewise to declare our pleasure that in case the Provost Marshall or other officer shall imprison any person above twelve hours except by a Mittimus Setting forth the cause thereof he be removed from his said Office. And upon the application of any person wrongfully committed the Barron or Judge shall issue his warrant to the Provost Marshall or other officer to bring the Prisoner before him who shall be discharged without Bail or paying fees And the Provost Marshall or other officer refusing obedience to Such Warrant Shall be thereupon removed and if the said Barron or Judge deny his warrant he Shall likewise incur the forfeiture of his place. You Shall give directions that no prisoner being Sett at large by an Habeas Corpus be recommitted for the Same offence but by the Court where he is bound to

¹ W. W. Hening, *Virginia Statutes*, I. 305.

appear and if any Barron or Judge Provost Marshall or other Officer contrary hereunto shall recommit such person so bailed or delivered You are to remove him from his place And if the Provost Marshall or other Officer having the Custody of the Prisoner neglects to return the Habeas Corpus or refuses a copy of the Commitment within Six hours after demand made by the Prisoner or any other in his behalf shall likewise incur the forfeiture of his place And for the better prevention of long imprisonments You are to appoint two Courts of Oyer and Terminer to be held yearly Viz.¹ On the Second Tuesday in December and the Second Tuesday in June the charge whereof to be paid by the Publick Treasury of our said Colony not exceeding £100 each Session. You are to take care that all Prisoners in cases of Treason or Felony have the liberty to petition in open Court for their Tryals that they be Indicted at the first Court of Oyer and Terminer unless it appears upon Oath that the Witnesses against them could not be produced and that they be tryed the Second Court or discharged And the Barron or Judge upon motion made the last day of the sessions in open Court is to bail the Prisoner or upon the refusal of the said Barron or Judge and Provost Marshall or other Officer to do their respective Dutys herein they Shall be removed from their places. Provided always that no person be discharged out of Prison who Stands committed for debt for any Decree of Chancery or for any legal proceedings of any Court of Record. And for the preventing any exactions that may be made upon Prisoners You are to declare our pleasure that no Barron or Judge shall receive for himself or Clerks for granting a Writt of Habeas Corpus more than two Shillings Six pence and the like sum for taking a Recognizance and that the Provost Marshall shall not receive more than five Shillings for every commitment one Shilling three pence for the bond the Prisoner is to Sign one Shilling three pence for every copy of a Mittimus and one Shilling three pence for every mile he bringeth back the Prisoner. In obedience to her Majestys Commands and to the intent that all her subjects may be fully informed how much they owe to her Majestys Royal favour for these her gracious Concessions I Alexander Spotswood Esqr. her Majestys Lieut. Governor of her Colony and Dominion of Virginia have thought fit by and with the advice of her Majestys Council to issue this my Proclamation hereby commanding in her Majestys name the Sheriffs of the respective Countys within this Colony to cause this Signification of her Majestys will and pleasure to be openly read and published at the Court houses of their respective Countys at the next Court after the receipt hereof. And I do further with the advice aforesaid require and command the Justices of the respective County Courts to cause the Same to be Registered in the Records of their Said Countys and to observe these her Majestys Commands as they will answer the contrary at their perill Given at Williamsburgh under my hand and the Seale of the Colony this 6th day of July 1710 in the ninth year of her Majestys Reign.

“ God Save the Queen.

“ A SPOTSWOOD.

“ The afore written Proclamation was ordered to be Recorded and it is accordingly Recorded.

“ Teste William Randolph, Cl. Cur.”¹

¹ This is certified as a true transcript : “ A true transcript from the record, 1902 Jany. 10.—Samuel P. Waddin.”

We are now led to inquire concerning the extent of the grant made by this proclamation. In the first place, the legality of the whole proceeding might be questioned, for the instruction was in the nature of a legislative act, whereby the Crown extended an act of Parliament to the colonies. It may well be doubted if the Crown in 1710 possessed any power of this kind, but putting that aside we notice that the only punishment for the failure to carry out the provisions set forth was the removal of the judges, which would depend for its effectiveness upon the governor. This was no special protection against an arbitrary governor. Then again there was the limitation that no one could be discharged if the offenses appeared to be not bailable by the laws of England. Such a clause practically placed the whole thing at the discretion of the judges, who were appointed by the governor. In striking contrast to the feebleness of these penalties, is the English Habeas Corpus Act, which inflicted very heavy fines for failure in execution, and these fines became operative at once on the committing of the offense. The proclamation followed the English law in excluding those held for debt, and added that one held for any decree of chancery, or for any legal proceeding of a court of record should not be released. This addition comes under civil offenses and so is a practical following of the law of England.

Thus Virginia received by questionable means the outward forms of the great Habeas Corpus Act of Charles II., but the effectiveness of the law was greatly hindered by the bail provisions, which placed the whole matter at the discretion of the judges. The Virginians were apparently content to live under the protection so given, for they attempted nothing else till 1736, when they passed a law providing for the use of habeas corpus in cases of civil action. Such legislation anticipated the action of the mother country by nearly a century.

In conclusion, it may be added that the rights of the colonists as regards the writ of habeas corpus rested upon the common law with the exception of South Carolina, which re-enacted the English statute. The lack of statute law did not mean that the colonists had no protection for their personal rights, for the want was supplied by the common law, and also by the placing of habeas corpus provisions in their court laws. Then too they passed very strict bail laws with heavy penalties for their nonfulfilment. Still another protection is to be found in the strong public opinion, so well shown in the hissing of court officers for making insufficient returns. In the majority of the colonies formal habeas corpus acts were not passed until after the American Revolution, when they were free

from any hindrance on the part of England. In their legislation, however, there was no violent departure from the law of England, which showed the close relation felt by the colonists in the common inheritance of the English law.

A. H. CARPENTER.

JOHN QUINCY ADAMS AND THE MONROE DOCTRINE

II.

ON November 13 Adams prepared the usual memorandum of suggestions for the President's annual message at the opening of the session of Congress.¹ He took it to the Executive Mansion and found Monroe "still altogether unsettled in his own mind" on the answer to be given to Canning's proposals, and "alarmed, far beyond anything that I could have conceived possible, with the fear that the Holy Alliance are about to restore immediately all South America to Spain." In this view he was supported by Calhoun, a man who certainly did not err on the side of a cheerful optimism, and the surrender of Cadiz to the French was the immediate cause of this despair. Adams pressed for a decision, either to accept or to decline Canning's advances, and a despatch could then be prepared conformable to either decision.² Monroe's vacillation was all the more notable as he had received the counsels of Jefferson and Madison, an episode of which Adams was still in ignorance, for he was not shown the letters until the fifteenth.

If Calhoun was the alarmist member of the Cabinet, Adams was at the other extreme. As well expect Chimborazo to sink beneath the ocean, he believed, as to look to the Holy Alliance to restore the Spanish dominion upon the American continent. If the South Americans really had so fragile governments as Calhoun represented them to be, there was every reason not to involve the United States in their fate. With indecision in the President and dark apprehension in Calhoun, Adams alone held a definite opinion, and in clear phrase he expressed it in summation of the Cabinet discussion :

"I thought we should bring the whole answer to Mr. Canning's proposals to a test of right and wrong. Considering the South Americans

¹ This memorandum is among the Monroe MSS. in the New York Public Library. It consists of four pages of manuscript, and contains nothing on Canning's proposition. I was in the belief that it was an incomplete paper until I found in the Ford collection, in the same library, a rough note in Monroe's writings of "Adams's Sketch," closely following the heads of the Adams manuscript and leaving no doubt of its covering all the points of that paper.

² *Memoirs of John Quincy Adams*, VI. 185.

as independent nations, they themselves, and no other nation, had the *right* to dispose of their condition. *We* have no right to dispose of them, either alone or in conjunction with other nations. Neither have any other nations the right of disposing of them without their consent. This principle will give us a clue to answer all Mr. Canning's questions with candor and confidence, and I am to draft a dispatch accordingly."¹

At this juncture Russia again intervened. On November 15, Baron de Tuvill communicated to Adams extracts from a despatch received from his court, dated August 30, N. S., containing an exposition of the views of the Emperor Alexander and his allies on the affairs of Spain and Portugal. It was not unusual for the ruler of Russia to take the governments of other countries into his confidence and display before them some of the political principles which controlled his actions or explain some of the motives which actuated his councils. As a member of the Holy Alliance, he was bound by its decisions, and was often made the spokesman of its policy. Such utterances usually took the form of circular letters addressed to the different cabinets of Europe, and, so far as I am able to discover, had not for some years been addressed to the United States. This was only natural, for the United States had deliberately isolated itself from European councils, and could hardly expect to be deemed worthy of being taken into the secret conclaves of the powers dealing with matters on which our representatives were ever asserting they could give no opinion or pledge of action. Further, the very political system of the United States was so opposed to that dominating Europe, that ground for common action could not be found. If England, with her relatively liberal system and many mutual interests with continental Europe, found herself unable to act with the Holy Alliance, it was out of the question for the United States, without any of these interests, to take part in their proceedings. There was every reason for keeping entirely aloof, and, even in a matter that did concern our country, like the negotiations on the slave trade, it was only as a matter of favor that the United States was informed of the conclusions, and as a matter of grace invited to give its adherence to the result. It was, therefore, an unusual incident for the government of the United States to receive from such a source a communication bearing upon the general public policy of Europe. It was difficult to escape the conclusion that some ulterior motive was to be sought. The paper is not accessible, and deserves to be given in full.

¹ *Memoirs of John Quincy Adams*, VI. 186.

COUNT NESSELRODE TO BARON TUYLL.

Extrait.

ST. PETERSBOURG le 30. Août, 1823.

Quand les principes qu'une cour a résolu de suivre, sont établis avec précision ; quand le but qu'elle se propose est clairement indiqué, les événements deviennent faciles à juger pour Ses Ministres et Agents diplomatiques. Ceux de l'Empereur n'avaient donc pas besoin d'instructions nouvelles pour apprécier et considérer sous leur vrai point de vue les heureux changements qui viennent de s'accomplir dans la Péninsule.

Pénétrés de l'esprit qui dirige la politique de Sa Majesté Impériale, ils auront applaudi aux déclarations, dont ces changements ont été précédés, exprimé les vœux les plus sincères en faveur d'une entreprise qui embrasse de si hauts intérêts et annoncé sans hésitation que l'Empereur et ses alliés voyaient avec un véritable sentiment de joie, la marche des troupes de S. M. T. C. couronnée d'un double succès par le concours des peuples auxquels l'armée française a offert une généreuse assistance et par l'affranchissement des pays où la révolution était parvenue à détrôner l'autorité légitime.

Aujourd'hui que les artisans [des malheurs de l'Espagne, renfermés dans Cadix et dans Barcelone, peuvent bien encore abreuer de nouveaux outrages leurs prisonniers augustes, mais non asservir et tyranniser leur patrie ; aujourd'hui que le Portugal a noblement secoué le joug d'une odieuse faction, nous sommes arrivés à une époque, où il ne sera point inutile de vous informer des décisions et des vues ultérieures de Sa Majesté Impériale.

La force des armes déployée à propos ; environnée de toutes les garanties que réclamait la résolution d'y avoir recours ; tempérée par toutes les mesures et toutes les promesses qui pouvaient tranquilliser les peuples sur leur avenir ; soutenue, enfin, par cette puissance d'union et d'accord qui a créé de nos jours un nouveau système politique : la force des armes n'a eu en quelque sorte qu'à se laisser apercevoir pour démasquer aux yeux du monde un despotisme qu'avaient trop souvent révoqué en doute ou l'erreur des hommes à théories qui s'abusaient involontairement peut-être sur le véritable état des choses, ou la mauvaise foi des hommes à projets criminels qui ne cherchaient que les moyens d'étendre et de propager la contagion des mêmes malheurs.

En Espagne, la nation toute entière attendait impatiemment l'occasion de prouver que la plus coupable imposture avait seule pu lui prêter ces vœux subversifs de l'ordre social et ce désir d'avilir la Religion et le Trône que démentait d'avance chaque page de son histoire. En Portugal, il a suffi d'un exemple et du courage d'un jeune Prince, pour que l'édifice révolutionnaire tombât au premier choc, and pour ainsi dire, de sa propre faiblesse. C'est une grande and consolante leçon que la Providence Divine nous réservait. Elle accorde la justification d'un éclatant triomphe aux desseins des Monarques qui ont pris l'engagement de marcher dans ses voies ; mais peut-être n'a-t-on pas assez observé que les mémorables événements, dont nous sommes témoins, marquent une nouvelle phase de la civilisation Européenne. Sans s'affaiblir, le patriotisme paraît s'être éclairé ; la raison des peuples a fait un grand pas, en reconnaissant que, dans le système actuel de l'Europe, les conquêtes sont impossibles ; que les Souverains qui avaient mis leur gloire à réparer les effets de ces anciennes interventions dont la malveillance essayait encore d'alarmer la crédulité publique, ne renouvelleraient point ce qu'ils avaient toujours condamné, et que ces vieilles haines nationales

qui repoussaient jusqu'aux services rendus par une main étrangère, devaient disparaître devant un sentiment universel, devant le besoin d'opposer une digue impénétrable au retour des troubles et des révolutions dont nous avons tous été, trente ans, les jouets et les victimes. Que l'on compare l'Espagne telle que nous la peignaient des prédictions sinistres, à l'Espagne telle qu'elle se montre aujourd'hui ; que l'on suive les rapides progrès de la bonne cause, depuis l'année dernière, et on se convaincra de ces utiles vérités, on verra que la paix, en se rétablissant, aura pour base la conviction généralement acquise des précieux avantages d'une politique qui a délivré la France, en 1814 et 1815, volé au secours de l'Italie en 1821, brisé les chaînes de l'Espagne et du Portugal en 1823 ; d'une politique, qui n'a pour objet que de garantir la tranquillité de tous les Etats dont se compose le monde civilisé.

Il importe que les Ministres et Agents de l'Empereur ne perdent pas de vue ces graves considérations et qu'ils les développent toutes les fois qu'ils trouvent l'occasion de les faire apprécier.

L'Alliance a été trop calomniée et elle a fait trop de bien pour qu'on ne doive pas confondre ses accusateurs, en plaçant les résultats à côté des imputations, and l'honneur d'avoir affranchi et sauvé les peuples, à côté du reproche de vouloir les asservir et les perdre.

Tout autorise à croire que cette salutaire Alliance accomplira sans obstacle sérieux l'œuvre dont elle s'occupe. La Révolution expirante peut bien compter quelques jours de plus ou de moins d'agonie, mais il lui sera plus difficile que jamais de redevenir Puissance ; car les Monarques Alliés sont décidés à ne pas transiger, à ne pas même traiter avec elle. Certes, ils ne conseilleront, en Espagne, ni les vengeance ni les réactions ; et leur premier principe sera constamment, que l'innocence obtienne une juste garantie et l'erreur un noble pardon ; mais ils ne sauraient reconnaître aucun droit créé et soutenu par le crime ; ils ne sauraient pactiser avec ceux qu'on a vus renouveler à l'isle de Léon, à Madrid et à Séville des attentats qui prouvent le mépris ouvert de tout ce que les hommes devraient respecter le plus dans l'intérêt de leur repos et de leur bonheur. C'est avec cette détermination qu'a été formé et que sera poursuivi le siège de Cadix. On ne posera les armes qu'au moment où la liberté du roi aura enfin été conquise et assurée.

Ce moment sera celui, où les Alliés rempliront envers l'Espagne le reste de leurs engagements et de leurs devoirs. Ils se garderont de porter la plus légère atteinte à l'indépendance du Roi, sous le rapport de l'administration intérieure de ses États, mais par l'organe de leurs Ambassadeurs (Sa Majesté Impériale se propose alors d'accréditer temporairement le Lieutenant Général Pozzo di Borgo auprès de S. M. C.) ils élèveront la voix de l'amitié, ils useront de ses privilèges, ils profiteront de leur position, pour insister avec énergie sur la nécessité d'empêcher que l'avenir ne reproduise les erreurs du passé, de confier à des Institutions fortes, monarchiques et toutes nationales les destinées futures de l'Espagne et de rendre désormais inutile l'assistance qu'elle a reçue, en y fondant un gouvernement dont la sûreté résidera dans le bien même dont il sera l'instrument et l'auteur.

Les Alliés ne pourront signaler ni les lois, ni les mesures, ni les hommes les plus capables de réaliser de telles intentions. Mais ils croiraient manquer à une de leurs obligations les plus essentielles, s'ils n'avertissaient Ferdinand VII, redevenu libre, que leur entreprise demande encore une dernière apologie aux yeux de l'Europe, et que si la

prospérité de l'Espagne n'en est la conséquence immédiate, ils n'auront rien fait ni pour lui, ni pour eux.¹

L'Empereur souhaite avec la même sincérité et le même désintéressement un bonheur durable à la Nation portugaise. Nos communications jointes à celles des Cours d'Autriche, de France et de Prusse qui partagent ce désir, en offriront la meilleure preuve au Cabinet de Lisbonne, et nous n'aurons plus de vœux à former, si le nouveau gouvernement du Portugal prépare avec prudence et maturité les matériaux d'une restauration solide, s'il les met en œuvre, quand l'Espagne pourra se livrer aux mêmes soins, et s'il rivalise de zèle avec le Cabinet de Madrid pour décider, à l'avantage réciproque des deux Etats, les questions de politique extérieure et administrative, qu'ils ont, l'un et l'autre, à méditer et à résoudre.

Tel est le sens dans lequel ont agi et dans lequel continueront d'agir l'Empereur et ses Alliés. . . .

Vous êtes autorisé à faire usage de la présente dans vos rapports confidentiels avec le gouvernement des États-Unis d'Amérique.¹

This remarkable manifesto, most appropriate for an autocrat in speaking to other autocrats, but entirely unsuited for gaining the confidence of the "one example of a successful democratic rebellion," naturally influenced Adams in preparing his reply to Canning. The draft of a despatch on all the communications from Rush bearing upon the proposed concert was prepared on November 17, and given to the President on the same day. Whatever may have been the general intention of Adams in preparing this draft, the scope of his policy was greatly enlarged by the communications made by the Russian minister. It was sufficiently aggravating to have been lectured on political principles in the note instructing the minister to make it known that the Emperor would receive no representatives from the late Spanish colonies. The few political remarks in reply included in Adams's note to Baron Tuyl had been ruthlessly cut out by the President, as tending to irritate his Imperial Majesty. From a statement of principle it had been turned, as Adams says, into "the tamest of all State papers." The only consolation was that it entirely satisfied the Russian minister. But now another Russian manifesto had been communicated, explaining more fully, and, it may be added, more offensively, the views and intentions of the Holy Alliance, couched in language which only an autocrat could employ. It was the Holy Alliance proclaiming the virtues and glories of despotism. This gave Adams his opening. If the Emperor set up to be the mouthpiece of Divine Providence, it would be well to intimate that this country did not recognize the language spoken, and had a destiny of its own, also under the guidance of Divine Providence. If Alexander could exploit his political principles, those of a brutal repressive policy, the United States could show that another system of government, re-

¹ Of this paragraph Adams wrote that it was a "satire upon the rest of the paper."

mote and separate from European traditions and administration, could give rise to a new and more active political principle, — the consent of the governed, between which and the Emperor there could not exist even a sentimental sympathy. If the Holy Alliance could boast of its strength and agreement when engaged in stamping out all opposition to legitimacy, the United States, hearing the whisperings of a projected American union, with itself at the head, an Alliance that did not arrogate to itself the epithet of Holy, could demand that the European concert justify its existence, its actions and its motives by records other than the bloody scenes at Naples, in France, and in Spain. Here was Adams's opportunity. It was no longer Canning who was to be answered; it was Europe,— and he seized it as only a masterful man, certain of his ground, can find in the very reasons of his opponent the best of support for his own position.

In the following parallel are given Adams's first draft of the answer to Canning, prepared November 17, and the amendments made by Monroe, November 20.

ADAMS'S DRAFT.¹

N. 76 RICHARD RUSH, Envoy Extraordinary and Minister Plenipotentiary, U. S., London.

DEPARTMENT OF STATE, WASHINGTON,
29 November, 1823.

Sir, — Your despatches numbered 323, 325, 326, 330, 331, 332, 334 and 336 have been received, containing the Reports of your Conferences, and copies of your confidential Correspondence with M^r Secretary Canning, in relation to certain proposals made by him tending to a concert of principles, with reference to the Affairs of South America, between the United States and Great Britain, and a combined and candid manifestation of them to the World.

The whole subject has [been] received the deliberate consideration of the President, under a deep impression of its general importance, a full conviction of the high interests and sacred principles involved in it, and an anxious solici-

¹ What is inclosed in brackets of both Adams's and Monroe's papers was omitted in the final form of this despatch.

tude for the cultivation of that harmony of opinions, and unity of object between the British and American Nations, upon which so much of the Peace, and Happiness, and Liberty of the world obviously depend.

I am directed to express to you the President's entire approbation of the course which you have pursued, in referring to your Government the proposals contained in Mr Canning's private and confidential Letter to you of 20 August. And I am now to signify to you the determination of the President concerning them. A determination which he wishes to be at once candid, explicit, and conciliatory, and which being formed, by referring each of the proposals to the single and unvarying Standard of Right and Wrong, as understood *by us* and maintained by us, will present to the British Government, the whole system of opinions and of purposes of the American Government, with regard to South America.

The first of the *principles* of the British Government, as set forth by Mr Canning is

"1. We conceive the recovery of the Colonies by Spain to be hopeless."

In this we concur.

The second is

"2. We conceive the question of the Recognition of them as Independent States, to be one of time and circumstances."

We *did* so conceive it, until with a due regard to all the rights of Spain, and with a due sense of our responsibility to the judgment of mankind and of posterity, we had come to the conclusion that the recovery of them by Spain *was* *hopeless*. Having arrived at that conclusion, we considered that the People of those emancipated Colonies, were *of Right*, Independent of all other Nations, and that it was our duty so to acknowledge them. We did so acknowledge them in

March 1822. From which Time the recognition has no longer been a question *to us*. We are aware of considerations just and proper in themselves which might deter Great Britain from fixing upon the same *Time*, for this recognition, with us; but we wish to press it earnestly upon her consideration, whether, after having settled the point that the recovery of the Colonies by Spain was *hopeless*—and after maintaining at the Cannon's mouth, commercial Relations with them, incompatible with their Colonial Condition while subject to Spain, the *moral* obligation does not necessarily result of recognizing them as Independent States.

"3. We are however by no means disposed to throw any impediment in the way of an arrangement between them and the mother Country, by *amicable Negotiation*."

Nor are we. Recognizing them as Independent States we acknowledge them as possessing full power, to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things, which Independent States may of right do. Among these an arrangement between them and Spain, by amicable negotiation is one, which far from being disposed to impede, we would earnestly desire, and by every proper means in our power endeavour to promote provided it should be founded on the basis of Independence.¹ But recognizing them as Independent States, we do and shall justly and [*provided their accommodation with Spain be founded on that basis*] necessarily claim in our relations with them political and commercial to be placed upon a footing of equal favour with the most favoured Nation.

"4. We aim not at the possession of any portion of them ourselves."

"5. We could not see any por-

MONROE'S AMENDMENTS.

amendment proposed to first line,

3^a pa:

[*"provided their accommodation with Spain was be founded on that basis"*]

¹ This phrase is taken from Monroe's amendments.

tion of them transferred to any other Power, with indifference."

In both these positions we fully concur—And we add

That we could not see with indifference any attempt [by one or more powers of Europe to dispose of the Freedom or Independence of those States, without their consent, or against their will.]

[To this principle, in our view of this subject all the rest are subordinate. Without this, our concurrence with Great-Britain upon all the rest would be useless.] It is upon this ground alone as we conceive that a firm and determined stand could now be jointly taken by Great Britain and the United States in behalf of the *Independence of Nations*, and never in the History of Mankind was there a period when a stand so taken and maintained, would exhibit to present and future ages a more glorious example of Power, animated by Justice and devoted to the ends of beneficence.

[With the addition of this principle, if assented to by the British Government, you are authorised to join in any act formal or informal, which shall manifest the concurrence of the two Governments on this momentous occasion. But you will explicitly state that without this basis of Right and moral obligation, we can see no foundation upon which the concurrent action of the two Governments can be harmonized.

If the destinies of South America, are to be trucked and bartered between Spain and her European Allies, by amicable negotiation, or otherwise, without consulting the feelings or the rights of the People who inhabit that portion of our Hemisphere.]

[The ground of Resistance which we would oppose to any *interference* of the European Allies, between Spain and South America, is not founded on any partial interest of

substitute the following after attempt in 6th line.

"any attempt by one or more powers of Europe, to restore those new States, to the crown of Spain, or to deprive them, in any manner whatever, of the freedom and independence which they have acquired, [*Much less could we behold with indifference the transfer of those new gov^t., or of any portion of the spanish possessions, to other powers, especially of the territories, bordering on, or nearest to the UStates.*"]

omit in next parag^b the passage marked and substitute the following—

"with a view to this object, it is indispensable that the British gov^t take like ground, with that which is now held by the UStates,—that it recognize the independence of the new gov^t.—That measure being taken, we may then harmonize, in all the [*necessary*] arrangements and acts, which may be necessary for its accomplishment." [*the object.*] It is upon this ground alone, etc. [to the end of the parag^b.]

omit the residue and substitute something like the following—

[“We have no intention of acquiring any portion of the spanish possessions for ourselves, nor shall we ever do it by force. Cuba is that portion, the admission of which into our union, would be the most eligible, but it is the wish of this gov^t., that it remain, at least for the present, attached to Spain. We have declared this sentiment publicly. and shall continue to act on it. It could not be admitted into our union, unless it should first declare its independence, and that independence should be acknowledged by Spain, events which may not occur for a great length of time, and which the UStates

our own or of others. If the Colonies belonged to Spain we should object to any transfer of them to other Nations, which would materially affect our interests or rights, but with that exception we should consider Spain as possessing the common Power of disposing of her own Territories. Our present opposition to the disposal of any part of the American Continents by Spain, with her European allies is that they do not belong to Spain, and can no more be disposed of by her, than by the United States.

With regard to the Islands of Cuba and Porto-Rico, to the Inhabitants of which the free Constitution of Spain, as accepted and sworn to by the King has been extended, we consider them as possessing the right of determining for themselves their course of conduct, under the subversion of that constitution, by foreign Military power. Our own interest and wish would be that they should continue in their political connection with Spain under the administration of a free Constitution, and in the enjoyment of their Liberties as now possessed; we could not see them transferred to any other Power, or subjected to the antient and exploded dominion of Spain, with indifference. We aim not at the possession of them ourselves.]

I am with great Respect, Sir,
your very humble and obed^t Serv^t

ADAMS'S SUBSTITUTE.

We believe however that for the most effectual [*object*] accomplishment of the object common to both Governments, a perfect understanding with regard to it being established between them, it will be most advisable that they should act separately each making such Representation to the Continental European Allies or either of them, as circumstances may render proper, and mutually communicating to each other the purport of such

will rather discourage than promote.]

On this basis, this gov^t is willing to move in concert with G. Britain, for the purposes specified.

[with a view however to that object, it [*is submitted*] merits consideration, whether it will not [*be most advantageous to*] contribute most effectually, to its accomplishment, a perfect understanding being established between the two gov^{ts}, that they act for the present, & until some eminent danger should occur, separately, each making such representation to the allied powers, or to either of them as shall be deemed most adviseable. Since the receipt of your letters, a communication has been made by Baron T. the Russian minister here, to the following effect. [then state his letter respecting minister etc., and also the informal communication. State also the instructions given to M^r Middleton, and *those* the purport of those, which will be given to the minister at Paris.] On this subject, it will be proper for you to communicate freely with Mr Canning, as to ascertain fully the sentiments of his gov^t. He will doubtless be explicit, as to the danger of any movement of the allied powers, or of any, or either of them, for the subjugation, or transfer of any portion of the territory in question, from Spain, to any other power. If there be no such danger, there will be no motive for such concert, and it is only on satisfactory proof of that danger, that you are authorized to provide for it.]

Representations, and all information respecting the measures and purposes of the Allies, the knowledge of which may enlighten the Councils of Great-Britain and of the United States, in this course of policy and towards the honourable end which will be common to them both. Should an emergency occur in which a *joint* manifestation of opinion by the two Governments, may tend to influence the Councils of the European Allies, either in the aspect of persuasion or of admonition, you will make it known to us without delay, and we shall according to the principles of our Government and in the forms prescribed by our Constitution, cheerfully join in any act, by which we may contribute to support the cause of human freedom and the Independence of the South American Nations.

On November 21st these papers were examined in Cabinet meeting. Canning had said that Great Britain would not throw any impediment in the way of an arrangement between the colonies and mother country, by amicable negotiation. He would not object to the colonies, under that method, granting to Spain commercial privileges greater than those given to other nations. This did not meet the wishes of Adams, who desired for the United States the footing of the most favored nation. The President did not understand the full meaning of this wish, and proposed a modifying amendment, "which seemed to admit that we should not object to an arrangement by which special favors, or even a restoration of authority, might be conceded to Spain." This was to accept Canning's position to the full, and perhaps even went further, for the restoration of Spanish authority could hardly have occurred to a man who started from the belief that the recovery of the colonies by Spain was hopeless. Both Calhoun and Adams strenuously objected. "The President ultimately acceded to the substance of the phrase as I had in the first instance made the draft; but finally required that the phraseology of it should be varied. Almost all the other amendments proposed by the President were opposed principally by Mr. Calhoun, who most explicitly preferred my last substituted paragraph to the President's projected amendment. The President did not insist upon any of his amendments which were

not admitted by general consent, and the final paper, though considerably varied from my original draft, will be conformable to my own views."¹

One paper still remained to be answered, and it was really the most important of all—the Emperor's pæan on despotism. Not only was it important as an expression of opinions and policy abhorrent to the American system of government, but it gave Adams the opportunity of making a reply to Europe. Canning's offer of a joint responsibility, limited it must be added to furthering the ends of Great Britain, was no longer to be considered. As an ally of Great Britain the United States would play a very secondary part. Alone, even against united Europe, America could gain the same result and without departing from a policy of avoiding entangling political alliances with any European power. Monroe was willing to raise a European question by aiding Spain and Greece. Adams avoided such a step and changed the issue into an American question, to be determined by America without the interference of any European government, whether English or continental. In this lies the great merit and strength of Adams's position. He lifted the question from one of joint action with England to one of individual action of the United States.

At the Cabinet meeting of November 21, Adams outlined his intended reply to the later communications received from Baron Tuyll, a paper to be first communicated verbally and afterwards delivered to him confidentially. "My purpose would be in a moderate and conciliatory manner, but with a firm and determined spirit, to declare our dissent from the principles avowed in those communications; to assert those upon which our own Government is founded, and, while disclaiming all intention of attempting to propagate them by force, and all interference with the political affairs of Europe, to declare our expectation and hope that the European powers will equally abstain from the attempt to spread their principles in the American hemisphere, or to subjugate by force any part of these continents to their will."²

While the President approved this idea, his first draft of his message to Congress showed that he had not comprehended the general drift of the Secretary's intentions in the conduct of the foreign relations of the United States. In calling the Cabinet meeting for the 21st he had included among the questions to be considered "whether any, and if any, what notice, shall be taken of

¹*Memoirs of John Quincy Adams*, VI. 193.

²*Memoirs of John Quincy Adams*, VI. 194.

Greece, and also of the invasion of Spain by France."¹ Accordingly his draft alluded to recent events in Spain and Portugal, "speaking in terms of the most pointed reprobation of the late invasion of Spain by France, and of the principles upon which it was undertaken by the open avowal of the King of France. It also contained a broad acknowledgment of the Greeks as an independent nation."² Where was the future Monroe doctrine in all this? It was, as Adams said, a call to arms against all Europe, and for objects of policy exclusively European—Greece and Spain. Protest only led the President to promise to draw up two sketches for consideration, conformable to the two different aspects of the subject. He was ready to adopt either, as his Cabinet might advise. Nothing could better prove how the essential part of Adams's views had escaped Monroe's attention. On the next day the Secretary again urged Monroe to abstain from everything in his message which the Holy Alliance could make a pretext for construing into aggression upon them. He should end his administration—"hereafter to be looked back to as the golden age of this republic"—in peace. If the Holy Alliance were determined to make up an issue with the United States, "it was our policy to meet it, and not to make it. . . . If they intend now to interpose by force, we shall have as much as we can do to prevent them, without going to bid them defiance in the heart of Europe."³ And Adams again stated the heart of his desired policy in unmistakable words: "The ground that I wish to take is that of earnest remonstrance against the interference of the European powers by force with South America, but to disclaim all interference on our part with Europe; to make an American cause and adhere inflexibly to that." In Gallatin, Adams found a congenial spirit on every point save that of the Greeks; and Gallatin talked with Monroe. The result of the urgency of these two men was that the President modified his paragraphs on foreign affairs, and made them conformable to the spirit of Adams's position. The result is to be seen in the Presidential message of December 2,

¹JAMES MONROE TO JOHN QUINCY ADAMS.

Dear Sir,—I have given notice to the other members of the admⁿ, who are present, to meet here at one o'clock, at which time you will bring over the draught of the instruction to Mr. Rush for consideration. I mean to bring under consideration, at the same time, the important question, whether any, and if any, what notice, shall be taken of Greece, and also of the invasion of Spain by France. With a view to the latter object, be so good as to bring over with you, a copy of the King's Speech, to the legislative corps, announcing the intended invasion.

J. M.
—Adams MSS

Nov^r 21. 1823.

²*Memoirs of John Quincy Adams*, VI. 194.

³*Memoirs of John Quincy Adams*, VI. 197.

1823, enunciating the doctrine that has since gone under the name of Monroe.

Adams had prepared the draft of his reply to the Russian communication, as he thought, in such a manner as to "correspond exactly with a paragraph of the President's message which he had read to me yesterday, and which was entirely conformable to the system of policy which I have earnestly recommended for this emergency." It was intended to be a firm, spirited, and yet conciliatory answer to all the communications lately received from the Russian government, and at the same time an unequivocal answer to the proposals made by Canning to Rush.

"It was meant also to be eventually an exposition of the principles of this Government, and a brief development of its political system as henceforth to be maintained: essentially republican, maintaining its own independence, and respecting that of others; essentially pacific—studiously avoiding all involvement in the combinations of European politics, cultivating peace and friendship with the most absolute monarchies, highly appreciating and anxiously desirous of retaining that of the Emperor Alexander, but declaring that having recognized the independence of the South American States, we could not see with indifference any attempt by European powers by forcible interposition either to restore the Spanish dominion on American Continents or to introduce monarchical principles into those countries, or to transfer any portion of the ancient or present American possessions of Spain to any other European Power."¹

How far these intentions were fulfilled a careful study of the paper itself will show. Like all of Adams's papers it is clearly expressed and most direct to the point.

Observations on the Communications recently received from the Minister of Russia.²

The Government of the United States of America is *Republican*. By their Constitution it is provided that "The United States shall guaranty to every State in this Union, a *Republican* form of Government, and shall protect each of them from invasion.

[The principles of this form of Polity are; 1 that the Institution of Government, to be lawful, must be pacific, that is founded upon the consent, and by the agreement of those who are governed; and 2 that each Nation is exclusively the judge of the Government best suited to itself, and that no other Nation, can justly interfere by force to impose a different Government upon it. The first of these principles may be designated, as the principle of *Liberty*—the second as the principle of *National Independence*—They are both Principles of *Peace* and of *Good Will to Men*.]

[A necessary consequence of the second of these principles is that] The United States recognize in other Nations the right which they claim and exercise for themselves, of establishing and of modifying their own

¹ *Memoirs of John Quincy Adams*, VI. 199, 200.

² What is enclosed between brackets was struck out of the paper.

Governments, according to their own judgments, and views of their interests, not encroaching upon the rights of others.

Aware that the Monarchical principle of Government, is different from theirs the United States, have never sought a conflict with it, for interests not their own. Warranted by the principle of National Independence, which forms one of the bases of their political Institutions, they have desired Peace, Commerce and Honest Friendship with all other Nations, and entangling alliances with none.

From all the combinations of European Politics relative to the distribution of Power, or the Administration of Government the United States have studiously kept themselves aloof. They have not sought, by the propagation of their principles to disturb the Peace, or to intermeddle with the policy of any part of Europe. In the Independence of Nations, they have respected the organization of their Governments, however different from their own, and [Republican to the last drop of blood in their veins], they have thought it no sacrifice of their principles to cultivate with sincerity and assiduity Peace and Friendship even with the most absolute Monarchies and their Sovereigns.

To the Revolution and War which has severed the immense Territories, on the American [*Territories*] continents heretofore subject to the dominion of Spain from the yoke of that power, the United States have observed an undeviating neutrality. So long as the remotest prospect existed that Spain by Negotiation or by arms could recover the possession she had once held of those Countries, the United States forbore to enquire by what title she had held them, and how she had fulfilled towards them the duties of all Governments to the People under their charge. When the South-American Nations, after successively declaring their Independence, had maintained it, until no rational doubt could remain, that the dominion of Spain over them was irrecoverably lost, the United States recognized them as Independent Nations, and have entered into those relations with them commercial and political incident to that Condition—Relations the more important to the interests of the United States, as the whole of those emancipated Regions are situated in their own Hemisphere, and as the most extensive, populous and powerful of the new Nations are in their immediate vicinity; and one of them bordering upon the Territories of this Union.

To the contest between Spain and South America all the European Powers have also remained neutral. The maritime Nations have freely entered into commercial intercourse with the South-Americans, which they could not have done, while the Colonial Government of Spain existed. The neutrality of Europe was one of the foundations upon which the United States formed their judgment, in recognizing the South-American Independence; they considered and still consider, that from this neutrality the European Nations cannot rightfully depart.

Among the Powers of Europe, Russia is one with whom the United States have entertained the most friendly and mutually beneficial intercourse. Through all the vicissitudes of War and Revolution, of which the world for the last thirty years has been the theatre, the good understanding between the two Governments has been uninterrupted. The Emperor Alexander in particular has not ceased to manifest sentiments of Friendship and good-will to the United States from the period of his accession to the throne, to this moment, and the United States on their part, have as invariably shown the interest which they take in his Friendship and the solicitude with which they wish to retain it.

In the communications recently received from the Baron de Tuyll, so far as they relate to the immediate objects of intercourse between the two Governments, the President sees with high satisfaction, the avowal of unabated cordiality and kindness towards the United States on the part of the Emperor.

With regard to the communications which relate to the Affairs of Spain and Portugal, and to those of South America, while sensible of the candour and frankness with which they are made, the President indulges the hope, that they are not intended *either* to mark an *Æra* either of change, in the friendly dispositions of the Emperor towards the United States or of hostility to the principles upon which their Governments are founded ; or of deviation from the system of neutrality hitherto observed by him and his allies, in the contest between Spain and America.

To the Notification that the Emperor, in conformity with the *political principles* maintained by himself and his Allies, has determined to receive no Agent from any of the Governments *de facto*, which have been recently formed in the new World it has been thought sufficient to answer that the United States, faithful to *their* political principles, have recognised and now consider them as the Governments of Independent Nations.

To the signification of the Emperor's hope and desire that the United States should continue to observe the neutrality which they have proclaimed between Spain and South-America, the answer has been that the Neutrality of the United States will be maintained, as long as that of Europe, apart from Spain, shall continue and that they hope that of the Imperial Government of Russia will be continued.

[To the confidential communication from the Baron de Tuyll, of the Extract, dated St Petersburg 30 August 1823. So far as it relates to the affairs of Spain and Portugal, the only remark which it is thought necessary to make, is of the great satisfaction with which the President has noticed *that* paragraph, which contains the frank and solemn admissions that "*the undertaking of the Allies, yet demands a last Apology to the eyes of Europe.*"]

In the general declarations that the allied Monarchs will never compound, and never will even treat with the *Revolution* and that their policy has only for its object by *forcible* interposition to guaranty the tranquillity of *all the States of which the civilised world is composed*, the President wishes to perceive sentiments, the application of which is limited, and intended in their results to be limited to the Affairs of Europe.

That the sphere of their operations was not intended to embrace the United States of America, nor any portion of the American Hemisphere.

And finally deeply desirous as the United States are of preserving the general peace of the world, their friendly intercourse with all the European Nations, and especially the most cordial harmony and goodwill with the Imperial Government of Russia, it is due as well to their own unalterable Sentiments, as to the explicit avowal of them, called for by the communications received from the Baron de Tuyll, to declare

That the United States of America, and their Government, could not see with indifference, the forcible interposition of any European Power, other than Spain, either to restore the dominion of Spain over her emancipated Colonies in America, or to establish Monarchical Governments in those Countries, or to transfer any of the possessions heretofore

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or yet subject to Spain in the American Hemisphere, to any other European Power.

DEPARTMENT OF STATE WASHINGTON, 27 November, 1823

When Adams laid before the Cabinet on the twenty-fifth, this draft of his paper, much discussion and opposition were developed. The timidity of Monroe was aroused, and the other members of the Cabinet hesitated. Calhoun questioned whether it would be proper to deliver any such paper to the Russian minister; it contained an ostentatious display of republican principles, might be offensive to the Russian government, and even to that of Great Britain, which would by no means relish so much republicanism. The President's message would be sufficient. "It was a mere communication to our own people. Foreign powers might not feel themselves bound to notice what was said in that. It was like a family talking over subjects interesting to them by the fireside among themselves. Many things might be said there without offense, even if a stranger should come among them and overhear the conversation, which would be offensive if they went to his house to say them."¹

Wirt, the Attorney-General, raised the point whether the United States would be justified in taking so broadly the ground of resistance to the interposition of the Holy Alliance by force to restore the Spanish dominion in South America. If the Holy Alliance should act in direct hostility against South America, would this country oppose them by war? There was danger in assuming the attitude of menace without meaning to strike. But Adams, while admitting the remote possibility of war, saw no immediate prospect of that event: "The interest of no one of the allied powers would be promoted by the restoration of South America to Spain; that the interest of each one of them was against it, and that if they could possibly agree among themselves upon a partition principle, the only possible bait they could offer to Great Britain for acceding to it was Cuba, which neither they nor Spain would consent to give her; that my reliance upon the co-operation of Great Britain rested not upon her principles, but her interest."²

Calhoun was filled with gloomy apprehensions. Having subdued South America, the Allies would turn their attention to the United States, "to put down what had been called the first example of successful democratic rebellion." By taking a firm stand now these intentions might be frustrated, even at the expense of war. And he repeated his suggestion of answering the Russian commu-

¹ *Memoirs of John Quincy Adams*, VI. 200.

² *Memoirs of John Quincy Adams*, VI. 203.

nications by the paragraph in the Presidential message. To this Adams gave a conclusive reply.

"The communications from the Russian Minister required a direct and explicit answer. A communication of the paragraph in the President's message would be no answer, and if given as an answer would certainly be very inconsistent with the position that foreigners have no right to notice it, because it was all said among ourselves. This would be precisely as if a stranger should come to me with a formal and insulting display of his principles in the management of his family and his conduct towards his neighbors, knowing them to be opposite to mine, and as if I, instead of turning upon him and answering him face to face, should turn to my own family and discourse to them upon my principles and conduct, with sharp innuendoes upon those of the stranger, and then say to him, 'There! take that for your answer. And yet you have no right to notice it; for it was only said to my own family, and behind your back.'"¹

For three days the discussion was continued, and resulted finally in a victory for Adams, but at the expense of two paragraphs of his draft—those indicated by the brackets. The Secretary fought well to have them retained, and thought the first of them to be the "heart of his paper." From the principles there given "all the remainder of the paper was drawn. Without them, the rest was a fabric without a foundation." The President² was fearful, and Wirt described the paragraph as a "hornet of a paragraph, and, he thought, would be exceedingly offensive." Adams in reply could only say that it was the "cream of my paper," but he felt that the President would not let it pass. Monroe, after forty-eight hours of consideration, gave an opinion:

Nov^r 27 [1823.]

The direct attack which the parag^h makes on the recent movements, of the Emperor, and of course, censure, on him, and its tendency to irritate, suggest the apprehension that it may produce an unfavorable effect. The illustration of our principles, is one thing; the doing it, in such a form, bearing directly, on what has passed, and which is avoided in the message, is another. Nevertheless, as you attach much interest to this passage, I am willing that you insert it, being very averse to your omitting anything w^{ch} you deem so material. J. M.³

¹ *Memoirs of John Quincy Adams*, VI. 208.

² JAMES MONROE TO JOHN QUINCY ADAMS.

Dear Sir,—I am inclined to think that the second parag^h had better be omitted, and that such part of the 3^d be also omitted, as will make that parag^h stand, as the second distinct proposition, in our system. The principle of the paper, will not be affected by this modification, and it will be less likely to produce excitement anywhere.

Two other passages, the first in the first page, and the second, in the 3^d are also marked for omission. J. M.

You had better see the Baron immediately.

Nov^r 27, 1823.

³ From the Adams MSS.

But Adams did not include the paragraph, and in an incomplete shape the paper was read to Baron Tuyll.

In a despatch dated November 30, Adams explained to Rush more fully the attitude of the administration on Canning's proposals, making a general résumé of the questions raised, and advancing statements which could not with propriety have been included in a paper intended to be shown to the British minister. He asserted even more distinctly than did the message that American affairs, whether of the northern or of the southern continent, cannot be left "at the disposal of European Powers animated and directed exclusively by European principles and interests." As an exposition of the Monroe doctrine this despatch deserves to rank with the later utterances of Adams, when as President it became necessary to define more clearly the limits of interference or protection to be observed.

No. 77. RICHARD RUSH: Envoy Extraordinary and Minister Plenipotentiary U. S. London.

DEPARTMENT OF STATE WASHINGTON 30 November, 1823.

SIR,—The Instructions contained in my Letter dated yesterday were given with a view to enable you to return an explicit answer to the proposals contained in Mr. Secretary Canning's confidential Letter to you of the 20th of August last. The object of this despatch is to communicate to you the views of the President with regard to a more general consideration of the affairs of South America; to serve for your government, and to be used according to your discretion, in any further intercourse which you may have with the British Cabinet on this subject.

In reviewing the proposals of Mr. Canning and the discussion of them in your Correspondence and Conferences, the President has with great satisfaction adverted to them, in the light of an *overture* from the British Government, towards a confidential concert of opinions and of operations between us and them, with reference to the countries heretofore subject to Spain in this Hemisphere. In the exposition of the *principles* of the British Government, as expressed in the five positions of Mr. Canning's Letter, we perceive nothing, with which we cannot cheerfully concur with the exception of that which still considers the recognition of the Independence of the Southern Nations, as a question of Time and Circumstances. Confident as we are that the Time is at hand, when Great Britain, to preserve her own consistency must come to this acknowledgment, we are aware that she may perhaps be desirous of reserving to herself the *whole* merit of it with the South-Americans, and that she may finally yield more readily to the decisive act of recognition, when appearing to be spontaneous, than when urged upon her by *any* foreign suggestion. The point itself has been so earnestly pressed in your correspondence and conferences with Mr. Canning, and is so explicitly stated in my despatch of yesterday as *indispensable*, in our view towards a co-operation of the two Governments, upon this important interest, that the President does not think it necessary that you should dwell upon it with much solicitude. The objections exhibited

by Mr. Canning against the measure as stated particularly in your despatches are so feeble, and your answers to them so conclusive, that after the distinct avowal of our sentiments, it may perhaps best conduce to the ultimate *entire* coincidence of purposes between the two Governments to leave the choice of *Time* for the recognition, which Mr. Canning has reserved to the exclusive consideration of the British Ministers themselves.

We receive the proposals themselves, and all that has hitherto passed concerning them, according to the request of Mr. Canning as *confidential*. As a first advance of that character, which has ever been made by the British Government, in relation to the *foreign* affairs between the two Nations, we would meet it with cordiality, and with the true spirit of confidence, which is candour. The observations of Mr. Canning in reply to your remark, that the policy of the United States has hitherto been, entirely distinct and separate from all interference in the complications of European Politics, have great weight, and the considerations involved in them, had already been subjects of much deliberation among ourselves. As a member of the European community Great Britain has relations with all the other powers of Europe, which the United States have not, and with which it is their unaltered determination, not to interfere. But American Affairs, whether of the Northern or of the Southern Continent *can* henceforth not be excluded from the interference of the United States. All questions of policy relating to them have a bearing so direct upon the Rights and Interests of the United States themselves, that they cannot be left at the disposal of European Powers animated and directed exclusively by European principles and interests. Aware of the deep importance of united ends and councils, with those of Great Britain in this emergency, we see no possible basis on which that harmonious concert of measures can be founded, other than the general principle of South-American Independence. So long as Great Britain withholds the recognition of that, we may, as we certainly do concur with her in the aversion to the transfer to any other power of any of the colonies in this Hemisphere, heretofore, or yet belonging to Spain; but the principles of that aversion, so far as they are common to both parties, resting only upon a casual coincidence of interests, in a National point of view *selfish* on both sides, would be liable to dissolution by every change of phase in the aspects of European Politics. So that Great Britain negotiating at once with the European Alliance, and *with us*, concerning America, without being bound by any permanent community of principle, [but only by a casual coincidence of interest with us,¹] would still be free to accommodate her policy to any of those distributions of power, and partitions of Territory which have for the last half century been the ultima ratio of all European political arrangements. While we, bound to her by engagements, commensurate only with the momentary community of our separate particular interests, and self-excluded from all Negotiation with the European Alliance, should still be liable to see European Sovereigns dispose of American interests, without consulting either with us, or with any of the American Nations, over whose destinies they would thus assume an arbitrary superintendence and controul.

It was stated to you by Mr. Canning that in the event of a proposal for a European Congress, to determine upon measures relating to South

¹ The words enclosed have been struck out in pencil, as evidently a repetition of what had been already expressed.

America, he should propose, that you, as the Representative of the United States, should be invited to attend at the same ; and that in the case, either of a refusal to give you that invitation or of your declining to accept it if given, Great Britain would reserve to herself the right of declining also to attend. The President approves your determination not to attend, in case the invitation should be given ; and we are not aware of any circumstances under which we should deem it expedient that a Minister of the United States should be authorized to attend at such a Congress if the invitation to that effect should be addressed to this Government itself. We should certainly decline attending unless the South-American Governments should also be invited to attend by *their* Representatives, and as the Representatives of Independent Nations. We would not sanction by our presence any meeting of European Potentates to dispose of American Republics. We shall if such meeting should take place, with a view to any result of hostile action solemnly protest against it, and against all the melancholy and calamitous consequences which may result from it. We earnestly hope that Great Britain will do the same.

It has been observed that through the whole course of the Correspondence and of the Conferences, between Mr. Canning and you, he did not disclose the specific information upon which he apprehended so immediate an interposition of the European Allies, in the affairs of South-America, as would have warranted or required the measure which he proposed to be taken in concert with you, before this Government could be advised of it. And this remark has drawn the more attention, upon observing the apparent coolness and apparent indifference, with which he treated the subject at your last conferences after the peculiar earnestness and solemnity of his first advances. It would have been more satisfactory here, and would have afforded more distinct light for deliberation, if the confidence in which his proposals originated had at once been entire. This suggestion is now made with a view to the future ; and to manifest the disposition on our part to meet and return confidence without reserve.

The circumstances of Mr. Gallatin's private concerns having induced him to decline returning to Europe at this time, and the posture of Affairs requiring in the opinion of the President the immediate renewal of Negotiations with France, Mr. James Brown has been appointed to that Mission, and is expected very shortly to proceed upon it.

I am with great Respect etc.

[JOHN QUINCY ADAMS.]¹

With the submission to Congress on December 2d of the President's annual message, the incident was closed so far as the public utterance of the doctrine was concerned. The message, the two despatches to Rush, and the communication made to the Russian minister crossed the ocean at the same time, and Great Britain was the first of the European powers to know how far the United States had gone in declaring an independent action on South American concerns. The effect was immediate. The stocks of all South American countries rose in the market — one of the most delicate measures of public opinion. Rush wrote on December 27th :

¹ From the Adams MSS.

"But the most decisive blow to all despotick interference with the new States is that which it has received in the President's Message at the opening of Congress. It was looked for here with extraordinary interest at this juncture, and I have heard that the British packet which left New York the beginning of this month was instructed to wait for it and bring it over with all speed. It is certain that this vessel first brought it, having arrived at Falmouth on the 24th instant. On its publicity in London which followed as soon afterwards as possible the credit of all the Spanish American securities immediately rose, and the question of the final and complete safety of the new States from all European coercion, is now considered as at rest."

It now remains to give some further evidence of the position of Monroe. The steps by which he was induced to modify his views to accord with those of Adams have been given, and it is seen that as late as November 13th he was entirely unsettled what answer to make to Canning's propositions; that in the draft of his message he had shown a marked failure to grasp the full meaning of Adams's arguments and was prepared to enter into European politics on a question entirely European; and that only a few days before the message was sent to Congress did he change his views of the relations of the United States to Europe so as to conform with those of his Secretary of State. While Adams looked upon the matter as closed, and must have felt the full force of his victory in making the influence of the United States thus felt in Europe, Monroe still entertained fears. On sending a copy of the message to Jefferson he wrote on December 4th:

"I have concurr'd thoroughly with the sentiments expressd in your late letter, as I am persuaded, you will find, by the message, as to the part we ought to act, toward the allied powers, in regard to S^e America. I consider the cause of that country, as essentially our own. That the crisis is fully as menacing, as has been supposed, is confirmd, by recent communications, from another quarter, with which I will make you acquainted in my next. The most unpleasant circumstance, in these communications is, that Mr. Canning's zeal, has much abated of late. Whether this proceeds, from the unwillingness of his gov^t, to recognize the new gov^t, or from offers made to it, by the allied powers, to seduce it, into their scale, we know not. We shall nevertheless be on our guard, against any contingency."¹

To his son-in-law, Samuel L. Gouverneur, he wrote on the same day, in a like apprehensive tone, as though the country had to fear a grave danger, evidently a remaining trace of the feeling that prompted the first draft of his message. Always rather formal in his manner of expressing his thoughts, he is even more than formal when striving to strike a note of profound import.

"I send you two copies of the message, better printed than that which I sent yesterday, with the information, which we possess, of the

¹ From the Jefferson MSS.

views of the allied powers, which altho' applicable to S^e am : , touch us, on principle, it was thought a duty to advert to the subject, and in plain terms. It has been done, nevertheless, in mild, respectful, and friendly terms. Had I omitted to put the country on its guard, and any thing had occurrd of a serious character, I should probably have been censured as it is they may look before them, and what may be deemed expedient. I shall be glad to hear in what light the warning is viewd."¹

A few days later he wrote more fully to Jefferson, and the letter is of sufficient importance to be given in full, for it shows that at last the President is reaching a better understanding of Adams's position.

MONROE TO JEFFERSON.

WASHINGTON, Dec^r, 1823.

DEAR SIR,—Shortly after the receipt of yours of the 24th of October, and while the subject treated in it, was under consideration, the Russian minister, drew the attention of the gov^t to the same subject, tho' in a very different sense from that in which it had been done by Mr. Canning. Baron Tuyll, announced in an official letter, and as was understood by order of the Emperor, that having heard that the republic of Columbia had appointed a minister to Russia, he wished it to be distinctly understood that he would not receive him, nor would he receive any minister from any of the new gov^{ts} de facto, of which the new world had been recently the theatre. On another occasion, he observ'd, that the Emperor had seen with great satisfaction, the declaration of this gov^t, when those new gov^{ts} were recognized, that it was the intention of the UStates, to remain neutral. He gave this intimation for the purpose of expressing the wish of his master, that we would persevere in the same policy. He communicated soon afterwards, an extract of a letter from his gov^t, in which the conduct of the allied powers, in regard to Naples, Spain, and Portugal, was reviewed, and that policy explain'd, distinctly avowing their determination, to crush all revolutionary movements, and thereby to preserve order in the civilized world. The terms "civilized world" were probably intended to be applied to Europe only, but admitted an application to this hemisphere also. These communications were receivd as proofs of candour, and a friendly disposition to the U States, but were nevertheless answer'd, in a manner equally explicit, frank, and direct, to each point. In regard to neutrality it was observ'd, when that sentim^t was declar'd, that the other powers of Europe had not taken side with Spain—that they were then neutral—if they should change their policy, the state of things, on which our neutrality was declar'd, being alterd, we would not be bound by that declaration, but might change our policy also.² Informal notes, or rather a proces verbal, of what passed in conference, to such effect, were exchangd between Mr Adams and the Russian minister, with an understanding however that they should be held confidential.

When the character of these communications, of that from Mr. Canning, and that from the Russian minister, is considered, and the time when made, it leaves little doubt that some project against the new gov^{ts},

¹ From the Monroe MSS. in the New York Public Library.

² To this point in thick lines; showing a change of pen, and presumably a change in time, what follows being written at a later day.

is contemplated. In what form is uncertain. It is hoped that the sentiments expressed in the message, will give a check to it. We certainly meet, in full extent, the proposition of Mr. Canning, and in the mode to give it the greatest effect. If his gov^t makes a similar declⁿ, the project will, it may be presumed, be abandoned. By taking the step here, it is done in a manner more conciliatory with, and respectful to Russia, and the other powers, than if taken in England, and as it is thought with more credit to our gov^t. Had we mov'd in the first instance in England, separated as she is in part, from those powers, our union with her, being marked, might have produced irritation with them. We know that Russia, dreads a connection between the UStates and G. Britain, or harmony in policy. Moving on our own ground, the apprehension that unless she retreats, that effect may be produced, may be a motive with her for retreating. Had we mov'd in England, it is probable, that it would have been inferred that we acted under her influence, and at her instigation, and thus have lost credit as well with our southern neighbours, as with the allied powers.

There is some danger that the British gov^t, when it sees the part we have taken, may endeavour to throw the whole burden on us, and profit, in case of such interposition of the allied powers; of her neutrality, at our expense. But I think that this would be impossible after what has passed on the subject; besides it does not follow, from what has been said, that we should be bound to engage in the war, in such event. Of this intimations may be given, should it be necessary. A messenger will depart for Engl^d with despatches for Mr. Rush in a few days, who will go on to S^t Petersburg with others to Mr. Middleton. And considering the crisis, it has occurred, that a special mission, of the first consideration from the country, directed to Engl^d in the first instance, with power, to attend, any congress, that may be convened, on the affairs of S^o am^{er}: or Mexico, might have the happiest effect. You shall hear from me further on this subject.

Very sincerely your friend

[no signature.]

Endorsed "rec^d Dec. 11."¹

With this letter I may close the present paper, leaving to a subsequent study the development of the doctrine given by Adams while President. That the authorship of what passes under the name of the Monroe doctrine belonged to Adams has been surmised by all who have treated of the occasion of the first utterances. Plumer, a contemporary, claimed the credit for Adams; Dr. Welling, no mean authority in such matters, as he went back to original sources as far as possible, asserted it as his conclusion; and Reddaway does the same. But none of those writers knew of the papers now used for the first time, papers that have slumbered in the archives at Quincy, where they have been so carefully preserved. They illuminate the pages of the *Memoirs* covering this period, and while permitting us to interpret the sentences of that record, they also bring forcibly before us the part that Adams played in not

¹ From the Jefferson MSS. in the Department of State, Washington, D. C.

only framing an American policy, but in forcing its acceptance upon an unwilling and fearsome President and Cabinet. It is useless to speculate upon what might have been the course pursued had Adams not been where he was. Monroe's career was one series of blunders and failures, a succession of performances which would have ruined any man not resting upon a tradition, a party and a state. He had undone himself in France under Washington ; in France and England under Jefferson he had been discredited ; in Spain he had failed ; and in the war of 1812 he had done nothing. That such a man could have stood up against Europe alone is inconceivable, and there was no person in the Cabinet, except Adams, who would have given him support in such measure. To originate the idea, to carry it in the face of all opposition, to bring Monroe to its support and make him the spokesman—this was distinctly the work of Adams. It is needless to seek for the paragraphs of Monroe's message embodying this doctrine in the expectation of finding them in Adams's writing. It is enough to follow the course of events in the light of these new state papers to know that the Monroe doctrine was the work of John Quincy Adams.

WORTHINGTON CHAUNCEY FORD.

LINCOLN AND THE PATRONAGE¹

THE inauguration of Lincoln has for us so tragic and so critical an aspect, that we find it difficult to put ourselves in the place of the average politician of the day, to whom it was chiefly interesting, as affording an opportunity for plunder, or as bringing, almost, a certainty of removal. No sooner were the election returns in, than Springfield filled with anxious crowds,² and during the nine days which he spent in Washington, as President-elect, Lincoln was pursued by applicants, as eager as if there were no doubt about the stability of the government they wished to serve.³ To those who were present in the flesh must be added thousands who confided their desires to the post, and, according to his degree, every Republican of prominence was deluged with requests, modest and pretentious,⁴ some accompanied by bribes,⁵ others supported by an appeal to pity,⁶ or a claim for reward.⁷ It was a motley crowd; western lawyers mingled with the drill sergeants of Weed's organization, while some sturdy workers against slavery thought that their disinterested constancy might now receive an earthly crown.⁸ A new party had come into power, eager to break its fast, and feast on the good things that the administration had to dispense.

Richard Henry Dana wrote to Charles Francis Adams, March 9, 1863, of Lincoln: "He seems to me to be fonder of details than of principles, of tithing the mint, anise and cummins of patronage, and personal questions, than of the weightier matters of empire."⁹ Lincoln himself deeply lamented the time devoted to these petty

¹ This article is a by-product of a work on the history of the patronage. Lincoln's administration is not particularly significant, from the point of view of development, but is rich in materials. It, therefore, seemed worth while, considering also the intrinsic interest of everything that relates to Lincoln, to prepare a fuller treatment of this period than just proportion would permit in the completed work.

² Lamon, *Life of Abraham Lincoln*, 457.

³ Tarbell, *Life of Abraham Lincoln*, I. 423.

⁴ Chase MSS. I have read several thousand such letters, for the period 1860-1865. See also Hollister, *Life of Schuyler Colfax*, 173. Almost any biography or volume of recollections gives like evidence.

⁵ Riddle, *Recollections of War Times*, 21.

⁶ Chase MSS., *passim*.

⁷ A typical letter is one to Chase, Nov. 24, 1863. Chase MSS.

⁸ *New York Tribune*, March 19, 1861. ——— to Chase, Dec. 15, 1862. Chase MSS. C. M. Clay, *Autobiography*, I. 252-257.

⁹ Adams, *Richard Henry Dana*, II. 264.

matters,¹ when great issues demanded his attention, although, as always, he saw the humorous side of the situation,² and gained a goodly supply of stories, from his experiences in dealing with them. Regrettable as was this constant distraction, the importance of the work must not be underrated. The situation demanded a politician, as well as a statesman, and had Lincoln been the latter only, he would have failed in his task. If he could not have held the Republican party together, he would have formulated statesmanlike policies in vain; and that he held it together was quite largely due to such use of the public plunder that its cohesive power was felt to the uttermost. The purely political problem before Lincoln, using "political" in the narrow American sense of the word, was a more difficult one than any that had confronted previous Presidents.

Scores of diverse elements, each thinking that its labors had been the most effective, had to be kept together in the moment of victory. The sharing of the spoils revived the old enmities, which had been temporarily lost sight of in the heat of the conflict. Democrat abhorred Whig, and both still looked on the Abolitionist as dangerous, while a rumor that Lincoln would try to conciliate the border states by appointing "Bell-Everetts" in that region caused consternation.³ The *Tribune* said: "Of course, they must alienate many by their distribution of the patronage; were they angels they could not fail to do this."⁴ That the party remained solid throughout the war, and that the war Democrats so loyally supported the Union was, to be sure, mainly due to the nature of the issue, but the time that Lincoln spent in trying to "do justice to all"⁵ was not wasted. To entrust similar functions to favorites, is deemed blameworthy in a King, or in a President when he entrusts them to a boss. Lincoln seems to have fallen into the temptation, thus to shift the task to other shoulders. He told a visitor at Springfield that he would call an adviser, when the proper time came, and would go over the most important cases with him, and would have little or nothing to do with minor posts,⁶ but fortunately he changed his mind before the trial came, and did not shirk this arduous but necessary duty.

The consensus of public opinion, in no uncertain tones, formulated the principles which should be followed in regard to the civil service. These were the halcyon days of the spoils system; but

¹ Herndon, *Abraham Lincoln*, III. 507.

² Lamon, *Recollections of Abraham Lincoln*, 212; Tarbell, *Lincoln*, II. 25.

³ ——— to Chase, March 27, 1861. *New York Tribune*, March 26, 1861.

⁴ March 4, 1861.

⁵ Lincoln, *Complete Works*, I. 657.

⁶ Tarbell, *Lincoln*, II. 23.

listening most intently, one can scarcely hear a whisper of reform. The public offices constituted a fund, from which the most deserving party workers were to be paid for their service; positions were to be held only four years, in order that everybody might have a chance. If this were the practice when a President succeeded one of his own party, how much more when he followed an opponent! An excuse was found for such rapid change in the theory that official duties were so easy as to be within the capacity of any American. The career of Lincoln previous to 1861 did not indicate that he opposed this creed. He had held a few minor offices in his youth, before party organization and its concomitant, the spoils system, had reached Illinois.¹ In 1849, as the voluntarily retiring representative of his district, he had much to say about certain appointments under the new Whig administration. In one letter he stated the facts in regard to the Democratic incumbent, and requested that some general rule be adopted, and that it be applied without modification in this case.² Another letter, in regard to an officer whose removal had been requested, he premised with the statement that the man in question had done the duty of his office well, and was a gentleman in a true sense, but it is evident before the end, that he shared the desire for the removal.³ Lincoln was himself an applicant, but he seems to have sacrificed his chances for the sake of a friend.⁴

While there is nothing in his conduct or expressed views before election which can be considered a protest against the prevailing practice, there is nothing, on the other hand, dishonorable. His language and action are always those of a man who is honest even with himself. He made no ante-nomination promises,⁵ and as few ante-inauguration ones as possible,⁶ but he fulfilled, in making up his cabinet, two pledges made by his managers.⁷ One well acquainted with him would have expected an honest and politic administration of the patronage, along the customary lines, for the benefit of the party.

The pressure for a "clean sweep"⁸ was so insistent that the administration could not settle down to more serious business until it was, in part at least, relieved. Seward, in his famous "Thoughts

¹ Tarbell, *Lincoln*, I. 96, 99.

² Lincoln, *Works*, I. 153.

³ *Ibid.*, I. 155.

⁴ Tarbell, *Lincoln*, I. 229-231.

⁵ Rhodes, *History of the United States from the Compromise of 1850*, II. 467.

⁶ Tarbell, *Lincoln*, II. 23.

⁷ Rhodes, II. 467.

⁸ Brooks, *Lincoln*, 207.

for the President,"¹ mentioned this necessity, and suggested that they "make local appointments first, leaving foreign or general ones for ulterior and occasional action." This plan seems to have been followed; for several months notices of foreign appointments are rare in the papers, and begin again during the summer.² The burden was like Sisyphus's stone, however; no sooner was one swarm of applicants disposed of, than some new act, made necessary by the war, brought another about the devoted heads of the administration. While the temptations to dishonesty, owing to the sudden expansion of the budget, caused men to drop from the civil service, and leave places to be filled, the enemy were constantly creating vacancies in the army; and the patronage was a never-ending annoyance.

The sweep made by the Republicans in 1861 was the cleanest in our history; never before did so small a proportion of officers remain to carry on the traditions of the civil service. In the 1520 presidential offices, there were 1195 changes, that may be classed under the head of removals.³ In some cases there were two or three changes in the same office,⁴ and so the number left would be a little larger than would at first appear. It must be remembered, however, that there were certainly some Republicans in office, and that there have always been civil servants whose efficiency has raised them above party, men like William Hunter, who positively cannot be spared. Moreover, many offices were in the south, and were simply left unoccupied. As more and more territory was conquered, postmasters and collectors were appointed; sometimes as "vice A. B., who joined the rebels,"⁵ sometimes as *de novo*;⁶ but in many cases no record whatever is found in the *Executive Journal*, from which these statistics were compiled. It is evident, therefore, that the change in personnel must have been practically complete.

In the departments at Washington, and the local offices all over the country, changes were somewhat more numerous than usual,⁷ but here they varied from department to department, according to the disposition of those who administered the patronage in the

¹ Nicolay and Hay, *Abraham Lincoln, A History*, III. 445.

² It is a peculiar incident, considering the relations between Seward and Weed and Greeley, that although the "Thoughts" are dated April 1, and remained secret so many years, the *New York Tribune* of April 2 announced: "The President has determined not to consider any further changes in the diplomatic service until the more important matters which now engross the attention of the administration are decided."

³ Fish, "Tables of Removals," in *Am. Hist. Assoc. Report*, 1899, 82.

⁴ *Executive Journal*, XI. 385; XIII. 316.

⁵ *Ibid.*, XIV. 495.

⁶ *Ibid.*, XIII. 543.

⁷ Comparison of "Blue Books" of 1859 and 1861 with those of other appropriate dates. I expect to publish, later, tables illustrating this point.

several instances. With Cameron in the War Department, we are not surprised to hear that the clerks there "received broad intimation . . . that most of them would be expected to retire, for others who had not enjoyed the flesh-pots."¹ The news was early given out that Chase intended seriously to enforce the law that subordinates should be examined before appointment;² and the regulation was apparently carried out.³ Changes were not numerous in the State Department; William Hunter was appointed under Jackson and served until 1886, and Frederick Seward says that his father retained all the loyal clerks.⁴

The mention of loyal clerks suggests one reason for the completeness of the overturn in 1861. The long alliance of the Northern Democracy with the South caused office-holders to be generally suspected. In the diplomatic service the South had about its proper proportion,⁵ yet it was popularly believed that the whole corps was pro-slavery in sentiment. The *Tribune*, June 3, 1861, stated: "In deference to universal sentiment, the President will suspend the diplomatic functions of James E. Harvey, Minister to Portugal." Seward wrote to Dayton, July 6, 1861, that our representatives in foreign courts were demoralized, and, in some cases, we had reason to believe, absolutely disloyal.⁶ The few officials who were retained in service were those who came out decidedly for the Union, as Mr. Cisco, Assistant Treasurer at New York.⁷ It is probably true also, as the *Tribune* stated, that the general standard of efficiency was lower than usual in 1860.⁸ These circumstances do not explain the proscription; that was inevitable; but they partly explain its severity.

As our public men lacked the inventiveness of our mechanics, political custom decreed that all these vacated offices, and all the new ones created by the necessities of the war, should be filled by hand. Yet custom provided, also, for the subdivision of the labor. By a gradual development, beginning in the greater local knowledge of its members, and becoming particularly rapid after the election of Jackson, Congress had established a strong claim to dictate many of the appointments. Its members, indeed, seemed ready to take upon themselves the entire burden; but as the various Secretaries were responsible for the conduct of their subordinates, they claimed

¹ *Tribune*, March 23, 1861.

² *Tribune*, March 9, 1861.

³ Hart, *Salmon P. Chase*, 216-217.

⁴ Seward, *Seward at Washington*, I. 520.

⁵ In 1859, 79 out of 151. "Blue Book."

⁶ Bancroft, *The Life of William H. Seward*, II. 153.

⁷ *Ex. Jour.*, IX. 324; X. 330; XII. 269.

⁸ *Tribune*, March 9, 1861.

to be heard also, while the President had his own responsibility and the claims of many outside interests to consider. The irresistible conflict between these various official interests was perhaps the more keen in the early part of the Lincoln administration, because so many of the Republicans were new men, and they lacked minute knowledge of the official tradition. Lincoln's policy in adjusting these claims is to be discovered only by a study of his practice, and was probably only developed as the cases came before him. One attempt was made to relieve the administration of a part of its burden. The *Tribune* suggested, March 13, 1861, that postmasters should be chosen by vote of the Republicans in their respective districts. Lincoln advised the use of the plan in at least one instance,¹ and it was employed in a number of cases.² It was, however, of little practical importance.

Gideon Welles, Secretary of the Navy, gives an account of a meeting where claims of the several interests came into conflict. It was held late in March, 1861, to arrange nominations for the state of New York satisfactory to Seward and Weed, the Senators, and the President. An agreement was finally brought about, and Lincoln proposed that it be sent at once to the Senate. Welles asked if the Secretary of the Treasury and the Attorney-General had been consulted, for some of the officers under consideration belonged to their departments. They had not been, but Seward said that he knew what was best for the party in the state, and that, as he and the Senators were of one mind, there need be no more discussion. Welles argued for the rights of the Secretaries; Lincoln finally decided that they ought at least to be consulted; and the nominations were deferred.³

Still, where there was harmony in the delegations, and when they met and arranged a slate, it was apt to be accepted.⁴ In regard to the post-office at Providence, Lincoln wrote to Governor Sprague that the two Senators, the two old Representatives, and one of the new ones were combined in favor of one candidate, and added: "In these cases the executive is obliged to be greatly dependent upon the members of Congress, and while under peculiar circumstances a single member or two may be overruled, I believe as strong a combination as the present never has been."⁵ A friend from Boston wrote to Chase, April 11, 1861: "You inquire, 'How overrule the Delegation?' I cannot and will not ask you to

¹ Tarbell, *Lincoln*, II. 340-341. Letter of March 30, 1861.

² Hollister, *Schuyler Colfax*, 173.

³ Welles, *Lincoln and Seward*, 71.

⁴ Lincoln, *Works*, II. 200, 272.

⁵ *Ibid.*, 45.

overrule it. But in strict response to 'How?' I will say this. The Delegation have had *their* choice in Mr. Goodrich, an old Whig—never a Free-soiler. The President has had *his* choice in Mr. Tuck for naval officer, an old Whig, finally voting for Winthrop in the celebrated contest for the speakership. Though it is your department, you have not had *your* choice."¹ Sumner in a letter to R. H. Dana, April 14, 1861, described his interview with Lincoln, when presenting the list agreed to by the Massachusetts Congressmen,² and the *Tribune* of April 13th announced that the whole of it had been accepted, though the opposition had been strong. The President seems to have made it a uniform practice to consult with the Senators before making nominations from or for their states,³ whether he could follow their advice or not. A correspondent advised Chase to send in certain nominations at once, as the next Senator from California might cause him trouble if he delayed.⁴ While the more important state posts were thus largely controlled by the delegations, and especially the Senators, the minor offices scattered over the country were generally left almost entirely to the Representatives from the district, if they were reliable. Riddle, from the Western Reserve, had all the post-offices for the asking, except that of Cleveland,⁵ in regard to which Senator Wade was consulted, who, however, refused to interfere in the matter.⁶

Although Lincoln thus made Congressional representations the basis of his system of appointments, he did not submit to dictation. There are a few evidences that Congress was not altogether satisfied, or was becoming jealous of the waxing power of the President. These are particularly interesting as indicating that the struggle between the two branches of the government might have come about, even if Johnson had not succeeded Lincoln. The first act creating the system of national banks gave the nomination of the Comptroller of the Currency to the Secretary of the Treasury, and fixed his term at five years, during which he was to be removed only by and with the advice and consent of the Senate.⁷ Such a change of constitutional principles was too great to be made until the question had been fully threshed out, and the act of 1864 modified the latter clause, so that merely a statement to the Senate of the cause of removal was required.⁸ The growing distrust of the executive is

¹ Chase MSS.

² Adams, *Dana*, II. 257.

³ Lincoln, *Works*, II. 210, 213, 513, 578.

⁴ ——— to Chase, March 9, 1863. Chase MSS.

⁵ Riddle, *Recollections of War Times*, 24.

⁶ Tarbell, *Lincoln*, II. 340.

⁷ *Cong. Globe*, 3d Session, 37th Cong., App., p. 189.

⁸ *Cong. Globe*, 1st Session, 38th Cong., App., p. 169.

also shown by a provision attached to the military appropriation bill of 1863, forbidding the payment of any salary "to any person appointed during the recess of the senate, to fill a vacancy in any existing office which vacancy existed while the senate was in session and is by law required to be filled by and with the advice and consent of the senate, until such appointees shall have been confirmed by the senate."¹

Not less sensitive than the members of Congress were the heads of departments, and several of them had, besides their official positions, strong political backing; such men were Seward, Chase and Cameron. To the same class belong certain powerful individuals, who, though in private life, exercised great influence at Washington; of these the most conspicuous were Horace Greeley and Thurlow Weed. The latter was the Mr. Hyde to Seward's Dr. Jekyll. Their close connection is illustrated by the following story related by Gideon Welles. Weed secured from Seward an order appointing one of his henchmen as consul at Falmouth, England. William Hunter, the veteran chief clerk of the State Department, protested to Weed, as the appointment involved the removal of an able official, whose father had received the post from Washington as a reward for some public service. Without further consultation Weed kindly destroyed the note Seward had given him, and thus reinstated the old consul.² Lincoln has best set out the political difficulties in New York state in a letter to Chase: "Ought Mr. Young to be removed? Ought Mr. Adams to be appointed? . . . Mr. Adams is magnificently recommended, but the great point in his favor is that Thurlow Weed and Horace Greeley join in recommending him. I suppose the like never happened before, and never will occur again; so, now or never, what do you say?"³ The President treated Weed with consideration, but did not lack in firmness.⁴

Seward could not, of course, expect to control all the appointments in his department, for foreign posts have always had an especial attraction for the office seeker. Quite a number of letters were sent to Chase asking him to secure for the applicants places under the State Department, and he obtained, besides several minor positions, the consul-generalship at Rio Janeiro for an Ohioan. This office seems, in fact, to have been considered the peculiar property of Chase, for when it fell vacant he was allowed freely to name the new occupant. Still, Seward's influence was probably felt in most

¹ *Cong. Globe*, 1st Session, 37th Cong., App., p. 183.

² Welles, *Lincoln and Seward*, 74.

³ Lincoln, *Works*, II. 44.

⁴ *Ibid.*, 425.

of the more important selections;¹ he was responsible for the appointment of Charles Francis Adams, against the wishes of Lincoln,² and many other estimable appointments should be credited to him, as of John Lothrop Motley, of Mr. March to Italy, and of John Bigelow as consul-general at Paris.

No one man caused the President more trouble in the distribution of the patronage than Chase, who had probably higher ideals on the subject than any one else in the Cabinet,³ and was always spurred on to fight for his rights by that suspicion of all who opposed him, which is so common in people of high ideals. He strongly advocated the right of the head of a department to choose the subordinates for whom he was responsible;⁴ but he did not attempt to control the appointments of the great collectors under him.⁵ He was favored, however, by the President's appointing, without any pressure from him, his friend Barney to the most important post of all, the collectorship of New York;⁶ while the immense expansion of business, and the great number of special officers needed, gave him abundant opportunity to try his hand at managing the patronage.

In 1864 Chase declared that he would despise himself if he were capable of appointing or removing a man for the sake of the presidency.⁷ At this high standard he seems to have aimed conscientiously during his administration of the Treasury Department; but it did not always insure a wise choice of subordinates or keep him entirely out of the mud of partizan politics. Men are known by their friends. Chase disliked opposition, and on the whole did not make friends of the chief men in public life.⁸ The impression that one gets from the letters written to him during his term of office is that, besides many high-principled men, he had about him a large number who played upon his high motives, and that he was less keen than the average man in public life in reading character. There is more flattery than is ordinary in such letters, much parade of high motive, that does not ring quite true; and, while capacity is put forward as a reason for appointment, the chief emphasis is laid upon personal friendship or need. A typical extract is the following: " ' Let justice be done if the heavens fall.' Mr. Elliot is

¹ ——— to Chase, June 12, Aug. 29, Sept. 17, 1862; Jan. 5, 1863. Chase MSS.

² Adams, *Charles Francis Adams*, 145-146.

³ Hart, *Chase*, 311.

⁴ *Ibid.*, 305. Bancroft, *Seward*, II. 356. Chase to Seward, Mar. 27, 1861. The appointment of his brother was involved in this case.

⁵ ——— to Chase, April 11, 1861. Chase MSS. *Ex. Jour.*, Vol. XI., 292.

⁶ Hart, *Chase*, 217.

⁷ *Ibid.*, 311.

⁸ *Ibid.*, 422.

capable and honest, and for *God's sake* don't desert him now for the clamor of those not his equals in either respect; a better man or one more sincerely your friend is not a candidate for the office."¹ Another: "I can assure you that I should look upon his appointment as *a deadly blow at your influence in this city*, and I believe Dr. Nixon is the only reliable friend of yours who is a candidate."² Another: "God knows no one needs the appointment more than I do."³ One interesting recommendation is that he find a consulship for an Ohio editor, in order that an abler man might be found to fill the place.⁴

As a result, partly of his lack of judgment in selection and partly of the sudden expansion of the business of his department, many of his appointees got into trouble. In these cases Chase seems almost always to have been deeply moved by loyalty to friendship, and to have hesitated too long in seeing reason for removal. Perhaps, also, his legal training made him unable to appreciate that when a public servant is suspected, much less than legal proof may justify, nay emphatically call for, his dismissal. This led to continual friction with Lincoln, and much heart-burning. The most important case is that of Victor Smith, Collector at Puget Sound. He fell under suspicion of dishonesty,⁵ probably unjust, but he was certainly guilty of sharp practice and had utterly lost the confidence of the community.⁶ Lincoln, therefore, after a struggle with Chase, decided on his removal.⁷ The latter in a letter to Smith expressed his unshaken confidence in him,⁸ and assured him that he would give him another appointment if he could.⁹

This personal loyalty made every failure to secure his point seem a personal rebuff, and the situation became particularly strained toward the end of the administration, when Chase was leader of the radicals, and Lincoln had to conciliate all factions. In New York, Barney tried to oppose Seward and Weed,¹⁰ but was not strong enough to maintain himself in the troubled sea of New York politics, and Lincoln finally decided to remove him.¹¹ Chase probably agreed with a correspondent in St. Louis, that there was "war from

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⁵ ——— to Chase, May 30, 1862. Chase MSS.

⁶ Hart, *Chase*, 305-306.

⁷ Tarbell, *Lincoln*, II, 364. Lincoln, *Works*, II, 335.

⁸ Smith to Chase, June 3, 1863.

⁹ Warden, *Account of the Private Life and Public Services of Salmon Portland Chase*, 529.

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the White House" upon his friends,¹ and matters did not become more pleasant after his withdrawal from the contest for the presidential nomination.² Finally a difficulty about an office in New York, which he fought through and finally compromised with a New York Senator, led him to send in his resignation, perhaps with the idea of forcing a definite arrangement with regard to the patronage. The resignation was unexpectedly accepted. Perhaps Lincoln did not feel like entering upon another term with the certain prospect of friction in the Cabinet. July 1, 1864, Chase ceased to be Secretary of the Treasury.

The other members of the Cabinet occasioned much less difficulty. Stanton quietly attended to his business, though he was occasionally irritable.³ Cameron's remark, that if Pennsylvania had stood by him at Chicago, he would have been President, "and then we all could have gotten everything that we wanted,"⁴ shows him a spoilsman and unashamed, but as such, he, perhaps, understood the position of the President better than Chase; while his incompetency soon caused him to be delicately transferred to a post in Russia.⁵ The Blairs had learned politics in the school of Jackson and, like Cameron, knew the traditions, and were besides in confidential relations with Lincoln,⁶ until the dismissal of Montgomery in 1864. The following message to the Secretary of the Interior shows that the President was disposed to consult the less powerful Secretaries: "Please ask the Commissioner of Indian affairs and of the General Land Office to come with you, and see me at once. I want the assistance of all of you in overhauling the list of appointments a little before I send them to the senate."⁷ While he could rather peremptorily command the most powerful when necessary,⁸ in ordinary circumstances he did not force his opinion on even the minor subordinates who dispensed the patronage. He wrote to Chase: "I have been greatly—I may say, grievously—disappointed and disobliged by Mr. Cochran's refusal to make Mr. Evans deputy naval officer, as I requested him to do. . . . A point must be strained to give Mr. Evans a situation."⁹

Another set of men who claimed to be heard were the governors.

¹ ——— to Chase, Oct. 30, 1863. Chase MSS.

² Hart, *Chase*, 310-314.

³ Gorham, *Life and Public Services of Edward M. Stanton*, 246-248. Hart, *Chase* 307.

⁴ McClure, *Lincoln and the Men of War-Times*, 132.

⁵ Tarbell, *Lincoln*, II. 76-78. Weed, *Autobiography of Thurlow Weed*, 330.

⁶ Lincoln, *Works*, II. 374, 375, 433, 434, 438, 579.

⁷ Tarbell, *Lincoln*, II. 343.

⁸ Lincoln, *Works*, II. 335.

⁹ Lincoln, *Works*, II. 42.

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⁸ Lincoln, *Works*, II. 335.

⁹ Lincoln, *Works*, II. 42.

Governor Morton wrote: "I learn incidentally that the Indiana delegation has nominated men to be appointed brigadier-generals. I do not know who they are, and have not been consulted. I have had much more to do with the officers than any member of Congress, and have had much more responsibility in connection with the organization than any of them, and I believe I should at least have the chance of being heard before any action is taken." The President answered that the rumor was untrue, and asked him to telegraph recommendations.¹ No dictation, however, was allowed; when Governor Morton at another time complained of two rumored nominations, Lincoln replied that they had not been made, but added: "The latter particularly has been my friend, and I am sorry to learn that he is not yours."² To Governor Pierpont, of West Virginia, who was irritated by an appointment, the President wrote that he had thought the name of the appointee was approved by the governor, but knew that it was not the one the governor preferred.³ A despatch to Governor Tod, of Ohio, was as follows: "I think your advice with that of others would be valuable in the selection of provost marshals for Ohio."⁴

Military appointments, in the beginning of the war, were made in the same way as those in the civil service; later the majority of promotions settled themselves. Where the administration was forced to deal with the matter the advice of the higher officers seems to have been considered, though not decisive or having a weight of authority like that of a Senator:⁵ merely an additional factor in these special cases, valuable according to the personal influence of the individual.

While allowing that others had a right to be heard, Lincoln never forgot that he, as responsible head of the government, owed it to himself, and to the country, to be master. His Cabinet was his own, and he⁶ maintained it, even when requested by the Republican Senate Caucus to make changes.⁷ The freedom of choice, which he allowed the various officials, was a freedom to act within the limiting conditions of his policy. It is, therefore, important to discover, as far as possible, what that policy was.

In some few cases he sought the man whose abilities best fitted him for the post,⁸ but these were distinctly exceptions. In general

¹ Foulke, *Life of Oliver P. Morton*, 154.

² Tarbell, *Lincoln*, II. 347.

³ *Ibid.*, II. 352.

⁴ Tarbell, *Lincoln*, II. 361.

⁵ *Ibid.*, II. 356, 360, 362.

⁶ Rhodes, III. 320.

⁷ Rhodes, IV. 206.

⁸ See for example Lamon, *Recollections*, 211.

he followed the accepted doctrine that many could perform the duties required, and that other qualities and circumstances should be taken into consideration in making the selection. As there was nothing novel in this practice, so the additional considerations were, most of them, time-honored. But in the abundance of traditions there were some that he neglected, and in this, and in the weight assigned to each, he showed his individuality.

From the days of the Continental Congress, geographical considerations have always had their influence. Had George Washington lived in Delaware, he would not have been chosen commander-in-chief in 1775. Such influences are a natural result of our territorial extent, our federal and representative government. Lincoln was himself largely indebted to them for his own nomination. His appreciation of them is sufficiently obvious from a study of his Cabinet. "Pennsylvania, any more than New York or Ohio, cannot be overlooked," he told Weed.¹ The geographical arrangement, once fixed, was continued through all Cabinet changes. Stanton, of Pennsylvania, succeeded Cameron, of the same state. Caleb Smith was followed by Usher, also of Indiana; Bates, of Missouri, by Speed, of Kentucky; and when Chase's place could not be filled from Ohio, an Ohio Postmaster-General was soon afterwards appointed. When McCulloch was needed in the Treasury, Usher resigned, that Indiana might not have two members. It was with reluctance, however, that, as President-elect, Lincoln yielded to advice, and requested John A. Gilmer, who was not a Republican, to take a place in his Cabinet, in order that the South might be represented.² Party consolidation seemed to outweigh geography in this instance. When he could do so without risk, however, he was glad to favor the South. The double representation of Missouri was largely due to the fact that it was the only slave state to give a respectable Republican vote. Early in 1861 he wrote to John A. Gilmer: "As to the use of patronage in the slave states, where there are few or no Republicans, I do not expect to inquire for the politics of the appointee, or whether he does or does not own slaves. I intend in that matter to accommodate the people in the several localities, if they themselves will allow me to accommodate them. In one word, I never have been, am not now, and probably never shall be in a mood of harassing the people either north or south."³ When President, he gave one applicant a note for the Postmaster-General, concluding: "I think Virginia should be heard in such cases."⁴

¹ Tarbell, *Lincoln*, I. 400.

² *Ibid.*, I. 402.

³ *Ibid.*, 394.

⁴ *Ibid.*, 340.

Another object of importance was to adjust properly the claims of the various factions that made up the party. In part this was easily accomplished. When parties are young each state is apt to have its favorite son, and geographical considerations brought the local leaders into the Cabinet. But there were still difficulties. December 24, 1860, Lincoln wrote to Hamlin: "I need a man of democratic antecedents from New England. I cannot get a fair share of that element in without."¹ When the Cabinet was complete, Seward, Bates and Smith, with Lincoln, offset Welles, Cameron, Chase and Blair.² This balance was not preserved throughout the term. Stanton did succeed Cameron, and Governor Tod of Ohio was asked to take Chase's position;³ but the Whig element ultimately became the stronger; without counting Usher, whose earlier political relations I have been unable to learn, five members of the Cabinet at the time of Lincoln's death were of Whig antecedents. By that time, however, these old time party distinctions had become less important.

The main object of these two rules was to avoid giving offense, but not all of Lincoln's principles were negative. He was all the time using the patronage to strengthen the party and aid in carrying out the policy of the administration. Sometimes he put a prominent man in a good humor by volunteering to let him name a boy for West Point,⁴ or by the unexpected offer of a foreign mission.⁵ He liked the idea of appointing a man named Schimmelpfening, as it would be something "unquestionably in the interest of the Dutch."⁶ He made, moreover, far more definite use of his power. Charles A. Dana⁷ describes the anxiety of Lincoln lest the bill for the admission of Nevada should not pass, and a vote on the Thirteenth Amendment be lost. The prospect was that the House would oppose the bill, but by a small majority. Lincoln sent Dana to two of the New York delegation and one member from New Jersey with *carte blanche* to offer them anything in the line of patronage in return for their votes. Two were secured by internal collectorships. One held out, and was promised a \$20,000 office in the New York customs-house; he did not secure it, however, as the bargain had not been executed before the death of Lincoln, and Johnson refused to recognize it. The account of this transaction was written long afterwards, but it is circumstantial and probably

¹ Hamlin, *Life and Times of Hannibal Hamlin*, 374.

² Welles, *Lincoln and Seward*, 34.

³ Nicolay and Hay, *Lincoln*, IX. 332-343.

⁴ Tarbell, *Lincoln*, II. 378.

⁵ Lincoln, *Works*, II. 653.

⁶ Lamon, *Recollections*, 133.

⁷ Dana, *Recollections of the Civil War*, 174-179.

trustworthy in the main points.¹ Such cases seldom come to light ; and when one is found, others probably may be inferred. This simply means that Lincoln stretched a point, in time of need, in the use of the patronage, as he did in the interpretation of the constitution.

All evidence indicates that Lincoln never went to such extremes except to accomplish some really vital object, that he never abused, and apparently never used, the patronage for personal aggrandizement. After Chase's resignation, the President instructed Fessenden not to remove the friends of Chase.² Of course, the conditions made it impossible to prevent subordinate officers from interfering in factional fights, particularly those at a distance from Washington and in the south,³ but Lincoln seems to have faithfully followed the principles laid down in a letter to a postmaster, accused of misusing his official power, August 5, 1864 : . . . "All our friends should have absolute freedom of choice among our friends. My wish, therefore, is that you will do just as you think fit with your own suffrage in the case, and not constrain any of your subordinates to do other than he sees fit with his."⁴ As the use of the patronage to carry out a broad national policy, if not commendable, is to be distinguished from that for personal advantage, so the latter should not be confused with a little harmless favoritism or nepotism. Lincoln was seldom nice about small points, and perhaps felt justified in getting some pleasure out of his heavy task. Many instances are given of his appointing old friends, generally for friendship's sake,⁵ and sometimes against advice.⁶ Mrs. Lincoln's "numerous cousins" were occasionally aided in securing favors.⁷ He was always fond of artists, and wrote to Seward in regard to two who had painted his portrait at Springfield, that he had "some wish" that they might have some of those moderate-sized consulates which facilitate artists a little in their profession.⁸

Underlying all these principles, and the hundred rules implied in them, was the basal theory of the spoils system, which has been

¹ A hunt for the posts involved fails to reveal them, but for obvious reasons ; the yeas and nays were not called for when the bill passed, the members who wanted the collectorships, doubtless, only cared for the patronage—that is, took them to give away, and the other did not get his post.

² Hart, *Chase*, 318.

³ ——— to Chase, Feb. 26, 1864, states that the Republican candidate for governor of Louisiana was nominated because of his use of government patronage.

⁴ Lincoln, *Works*, II. 558.

⁵ Tarbell, *Lincoln*, I. 105, 106 ; II. 360, 502-505. Herndon, *Lincoln*, III. 506, 507.

⁶ Tarbell, *Lincoln*, II. 17.

⁷ Lincoln, *Works*, II. 430.

⁸ Tarbell, *Lincoln*, I. 374.

mentioned as the accepted doctrine of the day. The civil service was a great treasury to be drawn on at will. If a man drew on it for purposes high and good, provided the efficiency of the service was tolerable, he did all that could be expected of him. That the evil lay deeper than the simple use of offices for political purposes is easily seen. July 21, 1863, Lincoln wrote to Blair, that soldiers and their families had the best claim on the patronage.¹ This claim, widely acknowledged, has caused incalculable harm to public service, and yet seems so reasonable and proper that reformers have many times been obliged to compromise with it. It would be unjust to expect Lincoln to see the fallacy in this seductive theory, or find a solution of the problems that would arise if it were thrown aside. If he had had them pointed out to him, he would probably have replied that, for the present at least, there were things of more import than bringing administration to the highest pitch of excellence, and that he could not afford to part with this powerful party cement.

From such a creed there seems little hope of any fundamental betterment. The great civil service reform movement began just to swell in the bud during Lincoln's life-time.² One sign there was that he might have favored it; he was annoyed at the claim that the patronage made upon his time. He was loath to remove from office even a person unfriendly to him,³ until the official's incapacity had been thoroughly proved;⁴ and, inasmuch as new appointments would be entailed, he disliked to appoint any one already in office to a new vacancy.⁵ The most notable example of this feeling, however, is found at the very close of his life. The doctrine of rotation in office had, after a long, slow growth, attained its highest point in 1856, when Buchanan, though succeeding a President of his own party, turned out the office-holders under the decent cover of this respectable phrase. When Lincoln's second inauguration approached, the expectation was that he would push the principle still further, and turn out his own appointees. He tried to stir up public sentiment against it; but on March 4, 1865, the *Tribune* an-

¹ Lincoln, *Works*, II. 375.

² Sumner in 1864 brought in a bill (Von Holst, *Preussischen Jahrbücher*, XXXVI. 376). Jenckes did not bring in his until the fall of 1865. A fragment of a proposed bill for consular reform did pass (*Cong. Globe*, 1st Sess. 38th Cong., App., p. 182), but was a revival of a law of 1865 (*ibid.*, 1st Sess. 38th Cong., 1115), except for the provision that consular clerks should be removed only for cause, stated in writing, at the first session following. This was passed rather, perhaps, because of jealousy of the President than desire to protect the clerk.

³ Lamon, *Recollections*, 211.

⁴ Tarbell, *Lincoln*, II. 66.

⁵ *Ibid.*, 418.

nounced: "The second inaugural of President Lincoln takes place at Washington to-day, and an immense throng of politicians . . . have already flocked thither, . . . to push their fortunes." Lincoln was firm, however, and March 7 the same paper stated: "Office-seekers were informed that no general removal of officers would be made." This really unusual willingness to diminish the power of the patronage, even though personal annoyance was the main cause of it, was a long step on the road to reform, and it is by no means improbable that Lincoln, with his wonderful capacity for growth, might have accepted the idea of appointment by examination, and advanced it to an earlier victory.

CARL RUSSELL FISH.

THE AUTHORSHIP OF THE JOURNAL D'ADRIEN DUQUESNOY

WHO was the author of the work bearing the title *Journal d'Adrien Duquesnoy*?¹ The editor, M. de Crèvecœur, inferring, from what seemed to him sufficient evidence, that the writer was Duquesnoy, gave this title to the publication. M. Brette, on the contrary, declares that the evidence is insufficient to justify the inference. The question of authorship still remains unsettled. It is a question of the first importance for students of the French Revolution, for the work is one of the most valuable sources dealing with the events of the National Assembly.

The *Journal* is one of the publications of the *Société d'Histoire Contemporaine*, and was edited, as I have said, by M. de Crèvecœur. M. de la Sicotière, who was a member of the society, had in his possession a series of letters and bulletins written between June 13, 1789, and March 22, 1790. The letters, few in number, were in the handwriting of Duquesnoy, and were signed by him; the bulletins, with the exception of a few autograph corrections by Duquesnoy, were the work of copyists. This evidence, together with the fact that in his letters Duquesnoy referred to "his bulletins," seemed to justify the inference that he was the author of the bulletins found with the letters. While preparing the bulletins for the press, M. de Crèvecœur encountered in the *Bibliothèque Nationale* an anonymous manuscript in two volumes containing bulletins covering the period from May 3, 1789, to April 3, 1790. The bulletins, from June 13 on, proved to be duplicates of the bulletins in the Sicotière manuscript. M. de Crèvecœur inferred, naturally, that Duquesnoy was the author of this series also, and fused the two series in his publication and called the work the *Journal d'Adrien Duquesnoy*.²

The work was reviewed by M. Brette.³ Overlooking the statement of the editor that some of the bulletins in manuscript S. bore autograph corrections by Duquesnoy, he asserted that the discovery

¹ Duquesnoy, Adrien, *Journal d'Adrien Duquesnoy, Député du Tiers État de Bar-le-Duc, sur l'Assemblée Constituante, 3 mai 1789-3 avril 1790, publié pour la Société d'Histoire Contemporaine par Robert de Crèvecœur*. 2 vols., Paris, 1894.

² *Journal*, I. pp. xvii, xviii, xxxvi-xl.

³ *Revue Critique*, May 11, 1896, pp. 363-373.

of the letters in the midst of the bulletins did not prove that Duquesnoy was the author of the bulletins. He also pointed out that while the publication was a correct reproduction of the manuscript B. no variants were given. He recalled the fact that M. de la Sicoitière had stated in 1885 that these bulletins and letters that he attributed to Duquesnoy began in December, 1788, and ended in May, 1790, and asked why M. de Crèvecoeur had not published them all.¹ While not believing in the authorship of Duquesnoy, M. Brette does not attempt to solve the question of authorship. He suggests that the bulletins may have been the work of anonymous writers of *nouvelles à la main*, of a M. Bernard or of a M. Fiscal, but hardly seems to take these suggestions seriously himself.

As to the hypothesis that the *Journal* belongs to the class of newspapers called *nouvelles à la main*, the evidence upon which it rests appears to me of but little value. M. Brette laid great stress upon the fact that in the manuscript B.—the only one that he has seen—the bulletins are not all in the same handwriting, and, above all, that the writing changes often at the foot of the page, even when such a change divides a sentence. Upon the first point I shall not dwell. I am acquainted with no law that enables me to decide how many copyists a man may reasonably employ at the same time—unless it be the length of his purse—nor how often he may reasonably change them. Upon the changes in the middle of a sentence or at the bottom of the page, I shall say a word. I have examined the manuscript B.² As far as I was able to discover, the sudden changes are found only in bulletins 8 and 9, and each bulletin shows two handwritings. Hardly sufficient evidence, one would think, to justify the statement that “these methods savor of the workshop of the *nouvelles*.”³ The truth is that the hand-

¹ In the *Revue Critique* of June 22, 1896, M. Guilhaumez, who had aided M. de Crèvecoeur in the revision of his proofs, replied to M. Brette and gave a satisfactory answer to this question. In a note printed in the *Intermédiaire*, M. de la Sicoitière had made the statement that led M. Brette to assume that the manuscript had been tampered with. “La réalité est beaucoup plus simple : c’est la note de l’*Intermédiaire* qui est erronée. . . . M. de la S. a sans doute écrit *mars*, et l’imprimeur de l’*Intermédiaire* aura lu *mai*.” Prefixed to the manuscript S. are “quelques lettres, sans aucun rapport avec le *Journal*, et relatives à l’Assemblée des notables.”

² Bibliothèque Nationale, *Nouvelles Acquisitions Françaises*, Nos. 224, 225. The manuscript fills volumes XIV. and XV. of the *Notes sur l’Histoire d’Espagne et de France*. This main head appears upon the title page with the subhead, *Correspondance sur l’Assemblée Nationale*. In the printed volumes, the matter is divided at the same point as in the manuscript.

³ “Le manuscrit B. dont il nous donne le texte *in extenso* présente cette particularité que les écritures qui, pour le tome I, ne doivent pas être au nombre de plus de cinq ou six, sont alternatives et changent, non pas avec les bulletins, non pas avec les dates, mais avec les pages mêmes ; le copiste ne finit pas la phrase ; il a été payé pour écrire tant de pages, il passe la main quand sa tâche est remplie. Ces procédés sentent bien, on en conviendra, l’officine des *nouvelles*.” *Revue Critique*, May 11, 1896.

writing counts for very little in determining the authorship of these bulletins. As every student of the French Revolution knows — and no one better than M. Brette — the members of the Assembly were accustomed, especially in 1789, to send letters and bulletins to their constituents and friends in the provinces. Not only were copyists employed in the preparation of these bulletins, but after the bulletins reached the provinces they were often copied a second time that they might serve a larger number of readers.¹ It is quite within the bounds of possibility that there are copies of copies among the bulletins in the manuscript B. For M. Brette to lay so much stress upon the fact that the bulletins are not in the handwriting of Duquesnoy, is certainly not reasonable, although the reason for his course is clear; it is the evidence upon which M. de Crèvecœur rests his case. M. Brette was certainly right in maintaining that the evidence was insufficient; he was wrong in believing, as he apparently does, that the case can be won only with that kind of evidence.² It is strange that he should not have seen that authorship is not necessarily dependent upon penmanship.

The theory that Bernard is the author of the Sicotière bulletins from December 9, 1789, on, because these bulletins are in his handwriting, is easily disposed of. The author of the bulletin of December 10, was a member of the Assembly.³ Bernard was not a member of the Assembly and must, therefore, have copied the bulletin, as it appears in his handwriting. If he copied one, he may have copied more than one, or in other words, all that appear in his handwriting.

M. Brette's third hypothesis that a certain M. Fiscal may be the unknown author of the bulletins, is no more tenable than the other two. It evidently rests upon the misinterpretation of a sentence in one of Duquesnoy's autograph letters. Writing to the Prince, he says: "M. Bernard takes my bulletins and has them sent to you; he tells me that you have received those of M. Fiscal."⁴ M. Brette assumes that Fiscal was a writer of bulletins. Why not a receiver of bulletins? Is it not quite possible that what Duquesnoy meant to say was, "He tells me that you received from M.

¹ The second volume of the *Vie et Correspondance* of Gaultier de Biauzat, published by Francisque Mège (2 vols. Paris, 1890), is a good illustration of this kind of work. See pp. 46, 51, 57, 73, 79, 80, 88, 100, 101, 109, 149, 163, 164, and especially 209.

² "Il reconnaitra aussi que des doutes sérieux subsisteront sur l'attribution globale qui a été faite tant que l'on n'aura pas prouvé par l'écriture que tous ces bulletins sont l'œuvre du seul Duquesnoy." *Revue Critique*, June 22, 1896.

³ "Mon projet n'est pas de l'examiner en détail, car je suis si frappé de l'inconvénient dont je viens de parler que jamais je ne pourrai voter pour son adoption." *Journal*, II. 156.

⁴ *Journal*, II. 150.

Fiscal the bulletins that I sent to him?" Fiscal could not have been the author of these bulletins, for the author was a member of the Assembly. In M. Brette's excellent lists of the members of the Constituent Assembly, there is no Fiscal. To M. Brette, Fiscal was an obscure person who might have been the writer of *nouvelles à la main*. Fiscal was not so obscure as M. Brette thinks. Princes, a hundred years ago, did not have letters addressed to them *par la voie* of obscure persons.¹ If M. Brette wishes to find M. Fiscal, he should look for him not in Paris, but in the place where the Prince of Salm-Salm was residing in November, 1789.

The remaining objections of M. Brette to the authorship of Duquesnoy rest upon other grounds than those that we have been considering. The writer makes incorrect statements. It is the opinion of M. Brette that Duquesnoy could not have been ignorant of these things. Here we are in the region of uncertainties. What is the test? Duquesnoy was from Nancy and Nancy is in Lorraine. If the writer of the bulletins should refer several times to Nancy as a city of Provence, the inference would be natural that the writer could not be Duquesnoy. Unfortunately, the facts cited by M. Brette are not of this kind and there might be a justifiable difference of opinion as to whether Duquesnoy could be ignorant of them and remain Duquesnoy.² I believe that, in face of the strong positive reasons that will be given in support of the authorship of Duquesnoy, we must infer that he was ignorant.

Up to the present time, much of the discussion upon this question of authorship has been irrelevant. A restatement of the question may render its solution less difficult. Whatever may be the relations between manuscripts S. and B., it is generally agreed that the published work is a correct reproduction of the manuscript B.³ Furthermore, there is no reason to doubt the genuineness of this manuscript. It was undoubtedly written in the years 1789 and 1790. The handwriting being that of copyists, proves nothing as to authorship. Is it possible from the study of this manuscript, aided by all the resources at our disposal, to determine the authorship of these bulletins? I believe that it is. If it be not, then historical criticism is but a useless theory, for never was there a more promising opportunity for it to prove its practical value.

¹ "Il est étonnant que vous n'ayez pas reçu les lettres qui vous ont été adressées par la voie de M. Fiscal. M. le comte m'assure qu'elles peuvent être retardées, mais qu'elles ne seront point égarées, parce qu'il est sûr de lui." *Journal*, II. 11. Bernard to Salm-Salm.

² *Revue Critique*, June 22, 1896, p. 370.

³ "La publication actuelle faite en conséquence de la découverte signalée est la reproduction scrupuleuse et correcte du manuscrit conservé à la Bibliothèque nationale dans les papiers de Beauchamps." M. Brette in the *Revue Critique*, May 11, 1896.

I shall endeavor to show (1) that the bulletins are related to one another, that is, are by the same man; (2) what the personality of the writer was, and (3) that this personality fits Duquesnoy and nobody else. I shall not examine all the bulletins. M. Brette denies that Duquesnoy was the author of the May and June bulletins of 1789. I shall endeavor to show that he was. To prove that he was the author of later bulletins, it is only necessary to show that they are connected, either directly or indirectly, with these first bulletins.

The bulletins form a series. This is made clear by such references as "the preceding number,"¹ "one of the preceding numbers,"² "the present number,"³ "a future number,"⁴ by references to previous bulletins by number as "Number 13,"⁵ or "Number 44."⁶ This last reference, found in bulletin 46, of July 11, 1789, would seem to prove that the author began to issue the bulletins at the opening of the States General.

The author also refers to his bulletins as "my journal,"⁷ but in the same sentence refers to the "number" of the journal that he is writing. In another place he speaks of his work as "being less a gazette, a recital of facts, than a series of observations upon the facts."⁸

These bulletins are not intended for the general public, but for the friends of the writer in one of the provinces. He urges them to read a certain bulletin with care and "to preserve it until time and events shall have destroyed or fortified" his fears.⁹ He frequently warns them against the false reports that circulate in the provinces, and reminds them that one who is on the spot can secure more reliable information.¹⁰ He sends to them in printed form the speeches, decrees, memoirs, and other matter to which he has referred in his bulletins.¹¹

These things, however, although they prove the existence of a connected series of bulletins, do not prove that all the bulletins in the manuscript B. primarily formed part of the series. There is a presumption in favor of it; nothing more.

¹ Bulletins 2, 14, 21 (35, in order, but not numbered).

² Bulletin 28.

³ Bulletin 10.

⁴ Bulletin 39.

⁵ Bulletin 14.

⁶ Bulletin 46.

⁷ "Je place ici, comme je l'ai fait dans tout le cours de mon journal, un numéro destiné aux observations et dans lequel je ne garde pas l'ordre rigoureux des faits." Bulletin 34 (bis).

⁸ Bulletin 46.

⁹ Bulletin 10.

¹⁰ Bulletins 10, 15, 21, 24.

¹¹ Bulletins 3, 6, 7, 13, 16, 19, 39.

The connection between some of the bulletins can be established by means of language. In the first bulletin—a very short one—he writes: “Je pense, et je ne suis pas le seul, que le gouvernement veut nous prendre par famine et par lassitude.” The first sentence of the next bulletin reads: “L’opinion qu’on veut prendre les députés par ennui ou par famine attache chaque instant davantage.” The appearance of the same idea in both bulletins, expressed in almost identical language, would seem to indicate common authorship. In bulletin 10 is the uncommon expression, “Une fureur de parler inconcevable!” This expression is met with again in bulletin 14, in the form, “Tous ont la fureur de parler,” and finally in an autograph letter by Duquesnoy it appears again in the phrase, “La fureur de parler que vous nous connaissez.”¹ Is the expression sufficiently unique to justify the inference that these two bulletins had a common author and that that author was Duquesnoy? I am somewhat familiar with the literature of the Revolution, but if I have encountered the expression in any other writer, I have forgotten it. The very unique expression, “Délibérer quatre jours sur l’aile d’une mouche,” is found in bulletins 10 and 12; it would seem to bind them to each other and to bind 12 to 14. The language employed in 2 (p. 4) and in 10 (p. 30), in describing the sermon of the bishop of Nancy, connects 2 with 10 and, consequently, with 12 and 14.

Language is, however, not the only nor is it the most important means employed in binding the bulletins together. The continuity of the narrative, the references to statements in earlier bulletins, judgments upon men and events, personal sentiments, personal interests and associations, all these things point to a common author. In dealing with these topics, we are at the same time forming a conception of the personality of the writer. Instead of grouping the matter under these different heads, I shall adopt a more practical method of presentation, treating the bulletins in their order and showing some of the possible connections.

The connection between bulletins 1 and 2 is established by the language referred to above, by a reference in number 2 to an incorrect statement in 1, and by the fact that the bulletins deal with the events of successive days and form a continuous narrative. Bulletin 3 takes up the narrative where 2 leaves it. There is, also, a reference in 3 to the “sermon de l’évêque” that would be intelligible only to a reader of 2. The remarks made in numbers 5 and 6 upon Necker’s speech, connect those bulletins with 3. The opening sentence in 4 marks that bulletin as a continuation of 3.

¹ *Journal*, I. 85.

The two expressions quoted above connect 4 with 10; another expression connects it with 8;¹ a reference to Mirabeau's journal connects it with 8 and through 8 with 10; indications that the writer is from Lorraine and interested in that province connects the bulletin with 5, 6, 10, 11, 12, 13, 14, 16, 20, 21, 22, 24, 31, 45. The opinion expressed upon the Bretons in 4, connects the bulletin with 5, 7, 10, 13, 15, 18, 28. A reference to the "*règlement*" binds 4 to 5. The bulletin 5 has been connected with 3 and 4; it is connected with 6 by the use of similar expressions in both.² The bulletin 6 is connected with 4 by common expressions;³ with 3 by a common opinion;⁴ with 7 by the reference to the Duc de Praslin and by the same bond with 9 and 10. The description of Target connects 9 with 10. The bulletin 17 is bound to 16 by the references to the "projet de conciliation," and to 13 by the reference to Rabaud de Saint-Étienne and the Protestant religion. Number 19 is connected with 18 by the reference to the *garde des sceaux*, and the substance of 19 is reproduced, with many identical expressions, in Duquesnoy's autograph letter of the same date. The reference to the Duc de Mortemart binds 23 to 20, while the belief expressed in Mirabeau's venality connects 23 with 24. Bulletin 25 is connected with 24, 22, 26, and 27.⁵ The reference to the clergy binds 29 to 27. Number 30 is connected, by the judgments expressed upon Necker, with 7, 8, 9, 10, 34, and 34 (bis). The reference to Maury, binds 32 to 31. The reference to the intrigues of the nobles, connects 33 with 34. The reference to Bouche connects 36 with 31; 37 is connected with 36 by the reference to the meeting of the *bureaux*, with 38 by the reference to the Duc d'Orléans; the reference to Bailly connects 38 with 39; the second paragraph in 40 clearly connects it with 39. These references constitute but a small part of those that might be given. They are sufficient, however, to show that it is highly probable that the first forty bulletins form a connected series and must have been the work of one man.

What was the personality of the writer? He was a member of the Third Estate,⁶ representing Barrois;⁷ he sent his bulletins to

¹ Bulletin 4, "Cet homme est une bête féroce"; bulletin 8, "De quel droit cette bête féroce, etc."

² Bulletin 5, "Le moment de l'orage approche"; bulletin 6, "Il est évident que le moment de la crise approche."

³ The reference to the plan to "faire dissoudre les États, pour entraîner le ministre dans leur chute."

⁴ The opinion upon the views of Necker.

⁵ With 22, by the reference to Dupont and the Bretons; with 24, by the reference to the motion of Sieyès; with 26 and 27 by the reference to the Duc d'Orléans.

⁶ The references here are too numerous for citation. Even a casual reading must make it clear that the bulletins are the work of a deputy of the Third Estate. See, however, bulletins 4, 6, 8, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20 and 38.

⁷ Bulletin 6, "Nous nous sommes plaints d'une démarche faite sous le nom du Barrois sans son aveu."

Lorraine ;¹ he was on most intimate terms with the deputies from Nancy ;² he made special mention of the words and deeds of persons known in Lorraine ;³ he was a member of the *comité des subsistances*.⁴

There was, in the Assembly, but one man to whom this description applied ; that man was Adrien Duquesnoy. He was born at Briey in Barrois, and represented that place in the National Assembly. Some years before 1789, he had moved to Nancy, where he became a member of the *société libre des sciences, arts et belles-lettres* and also of the *Conseil de Commerce*.⁵ In the Assembly, he was a member of the *comité des subsistances*.⁶ Finally, he was a writer of bulletins.⁷

If I have succeeded in my effort to connect the bulletins, if I have correctly described the personality of the writer, and have stated exactly the facts of Duquesnoy's life, then it would seem to follow, with a high degree of probability, that Duquesnoy must have been the author of the first forty bulletins.

FRED MORROW FLING.

¹ See the references to Lorraine given above.

² Bulletins 4, 6, 16, 24.

³ See the references to Lorraine given above.

⁴ Bulletins 27, 39, 40.

⁵ *Journal*, I. pp. xviii-xx.

⁶ *Procès-verbal de l'Assemblée Nationale*, I., No. 2, p. 4, the name of Duquesnoy appears in the list as representing the *généralité* of Lorraine.

⁷ *Journal*, I. 172.

DOCUMENTS

1. *English Policy Toward America in 1790-1791.*

(*Second Installment.*)

XVIII. STEPHEN COTTRELL TO W. W. GRENVILLE.¹

Office of Committee
of Privy Council for Trade
Whitehall 17th of April 1790

Sir

I am directed by the Lords of His Majesty's most Honorable Privy Council, appointed for all matters relating to Trade and Foreign Plantations, to acquaint you that They have taken into consideration the Memorial of Mr. Levi Allen in behalf of the Inhabitants of Vermont, setting forth that he has been appointed under the Great Seal of the State of Vermont pursuant to an Act of the General Assembly there, to negotiate a *Commercial* and *Friendly* Intercourse between the said State and His Majesty's Dominions and proposing certain Arrangements for that purpose; which Memorial you transmitted to the Lords of the Committee in your Letter of the 10th June last; and you desire in the said Letter to receive, for His Majesty's information the opinion of Their Lordships concerning the Steps which it may be proper to take in consequence of Mr. Allen's Proposals.

The said Mr. Levi Allen has also presented a Memorial dated the 13th June last to this Committee expressing the Wishes of the Inhabitants of Vermont that a free Trade may be granted them with the Province of Quebec for all or any of the Produce of the said Country of Vermont without payment of Duty; and that they may be permitted to receive in return any of the Produce of Canada and any Merchandize imported therein, Furs and Peltry of all Kinds excepted.

Besides this Memorial the Committee have in their Office several Papers received from Lord Dorchester concerning the Policy of opening and facilitating a Passage into Canada, and from thence down the River St. Lawrence into the Atlantic for all Commodities, being the Growth or Produce of the Countries which border upon Canada and make either a part of the Territories of the United States of America, or belong to the State of Vermont, or to other People of various descriptions, who are now forming new Settlements in that part of the World.

While the Commercial Intercourse between the Province of Quebec and the Territories belonging to the United States of America, was under

¹ Chatham MSS. Bdle 343. Compare *Report Canadian Archives*, 1890, p. 132.

annual Regulations, established by His Majesty's Order in Council, Care was taken that no Restriction should be laid on the Trade carried on either by Land or Inland Navigation, between the said Provinces and the Territories of the United States, or other Countries bordering on the said Province; and in an Act passed in the 28th year of His Majesty's Reign for making permanent Regulations for this purpose, the same Policy of laying no Restrictions of the nature before mentioned was pursued. And the Lords of the Committee having had this Subject under their consideration of the 13th July 1787—gave it as their Opinion to Lord Sydney, then one of His Majesty's principal Secretaries of State, that it should be left to Lord Dorchester, Governor of Quebec with the Advice of the legislative Council of that Province, to make such Orders respecting any Intercourse by Land or by Inland Navigation between the said Province and the Territories belonging to the United States of America, as should be thought by them to be most proper, not doubting that the Orders which His Lordship, with the Advice of the said Council, should give, would be consistent with the Laws of Great Britain and most conducive to the Interests of His Majesty's Subjects; but the Committee at the same time advised, that Lord Dorchester should be instructed on no account to permit, under pretence of such Intercourse, the Introduction into Canada of foreign Manufactures, or of Spirits made in any foreign Country or the Export from Canada into the neighbouring States of Furs and Peltry.

The Lords of the Committee, having received further Information on this Subject, and repeatedly taken the same into consideration are confirmed in the Opinion they before entertained that it will be advisable, in a commercial, and, they may add, in a political view also to permit, and even encourage all Articles, being the Growth and Produce of the Countries bordering upon Canada, to be brought into the said Province in exchange for British Merchandize and Manufactures, and to be Exported from thence down the River St. Lawrence, in British Ships to those parts of Europe or America where the Produce of Canada of the same sort may be legally carried. But when this Subject was before the Committee on the 13th July 1787 The Lords entertained a doubt, whether Goods, so brought into Canada from the neighbouring Countries, could be lawfully imported from thence into the British Dominions; They consulted therefore His Majesty's Attorney and Solicitor General on this Point, whose Report has not been received till lately, stating that there is no Law which makes any distinction in this respect between Goods, the Growth and Produce of those Parts of America which belong to Foreign States and those belonging to the Crown of Great Britain, provided they are brought from the Ports of a British Colony, Plantation or Territory in America, in British Ships navigated according to Law.

It is the opinion of the Committee that such Intercourse would tend very much to promote the Sale of British Manufactures, and to increase the general Commerce and Navigation of this Country and the Committee still think that no Restrictions should be imposed on this Intercourse,

except those recommended in the before mentioned Letter addressed to Lord Sydney. And in order that the Government of Great Britain may have the full possession and command of this Trade, and be enabled to subject it to such Regulations as will render it most beneficial to His Majesty's Subjects, it is much to be wished that the vessels in which these Goods are transported over the great Lakes surrounding Canada, or along the Navigable Rivers, which issue from or run into these Lakes, should be British, and belong to British Subjects only, and that the posts which command the Entrance of these Lakes, and which are best situated for securing the Navigation of these Rivers should be retained by His Majesty (if other important Considerations will so permit) and be Garrisoned by a Force sufficient to defend them ; For there can be no doubt that the various Settlements which are now forming in the interior parts of America, afford the prospect of a most Extensive and valuable Commerce to those Nations who can secure to themselves the best means of availing themselves of it.

The Committee have hitherto considered this Subject, not only as it relates to the State of Vermont but to all the Countries bordering upon Canada :—Lord Dorchester and His Majesty's Council in the province of Quebec have thought proper to consider it in this general view, and to Extend the Regulations made by them for this purpose to all the neighbouring States, tho' these Regulations evidently took their Rise from the Application made by Mr. Levi Allen, in the name of the Province of Vermont only :—And the Committee observe with pleasure, that these Regulations are conformable to the principles before stated, as will appear by the following account of them

In consequence of Powers vested in three Commissioners by the State of Vermont, Mr. Levi Allen waited on Lord Dorchester at Quebec in 1786, informing him that he was commissioned by the State of Vermont to form a Treaty of Commerce, and produced his Credentials. Lord Dorchester told him that he was not authorized to form Treaties, but that he was well disposed to live in Friendship, with all the neighbouring States, and desired Mr. Allen to State in writing the wishes of the people of Vermont, and promised that they should be duly considered. Mr. Allen accordingly presented a Memorial to His Lordship on the 22d November 1786, specifying the objects which the people of Vermont had in view in desiring to open a Commercial Intercourse with Canada. On the 18th April 1787 Lord Dorchester permitted by Proclamation (until an Ordinance could be made by the Legislative Council for more fully regulating the Inland Trade with the neighbouring States) the free Importation from all the said States, thro' Lake Champlain, of Masts, Yards, Bowsprits, Spars, Oak or Pine, Planks, Boards, Knees, Futtocks, Ship Timber, Hoops, Staves, Shingles, Clapboards, or any sort of Lumber, Pitch, Tar, Turpentine, Tallow, or any kind of Naval Stores, Hemp, Flax, and their Seeds ; Wheat ; Rye, Indian Corn, Pease, Beans, Potatoes, Rice, Oats, Barley, and all other species of Grain, Horses, Neat Cattle, Sheep, Hogs, Poultry, and all other species of Live Stock and Live pro-

visions, and whatsoever else is of the Growth of the said States. And he also authorized and permitted the free Exportation from the province of Canada into the said States, of any Articles of the Growth, Produce or Manufacture of the said province, or of any other the Dominions of Great Britain, Furs and Peltries of any Kind excepted.

And by an Ordinance of the Governor and Legislative Council, dated 30th of the same month, it was enacted, that the Trade and Intercourse between the province of Quebec, and the neighbouring States, or any of them, by the Route of Lake Champlain and Sorell, should be free for the Importation of Leaf Tobacco, Pot and pearl Ashes, if the same be of the Growth and produce of any of the said States, and that they are bona fide intended for Re-exportation from that province to Great Britain.

In the month of April in the year following Lord Dorchester and the Legislative Council of Quebec passed two other Ordinances, comprehending, in their Judgement, every thing that was at that time necessary for regulating the Inland Commercial Intercourse of that province with the Neighbouring States.

In the first of these Ordinances it is enacted That all Goods, Wares, and Merchandizes (Beavers Peltries and Furs excepted) of the Growth and Manufacture or product of that province or of any other of the Dominions of Great Britain, and such as may lawfully be imported into that province by Sea may be exported therefrom by Land or Inland Navigation to any of the neighbouring States, free from Duty Impost or Restraint: And it was also enacted that there be the like freedom of Importation from the said States into that province (if the same be made by the Route or Communication of Lake Champlain and the River Sorel or Richelieu and not otherwise) of certain enumerated articles. It then enumerates the Articles which are the same as those in the before mentioned proclamation and Ordinance, adding thereto Butter, Cheese, and Honey, Fresh Fish, Gold and Silver Coin and Bullion. The Ordinance then prohibits the Importation of Rum, Spirits, and Copper Coin and enacts several severe Regulations to prevent Contraband Trade contrary to the intention of this Ordinance.

The Second of these Ordinances, intituled "for promoting Inland Navigation," begins by a preamble reciting "that the present circumstances do not require that the Transport of Merchandize" and peltries over the Upper Lakes should be carried on solely by vessels "*belonging to His Majesty*", and that the thriving situation of the new Settlements of Loyalists in the Western Country makes it expedient under certain Restrictions to facilitate the Transport of a variety of Articles across those Lakes which will tend to increase the Exports of this province, and consequently to augment its Commerce.

It then enacts that it shall be lawful for all His Majesty's Subjects trading to the Western Country by the way of the Great Lakes who shall have taken out the usual pass conformable to Law, to cause such their Effects and Merchandize or [as?] shall be specified in the said pass, to be water borne in any Kind of vessel under the Burthen of Ninety Tons,

provided the same be built or launched in any Port or Place within His Majesty's Government ; and that all the owners of the Vessel and Cargo, and the Captain, Conductor, Crew and Navigators be His Majesty's Subjects, and that the said Crew and Navigators shall have taken (since the 1st May 1783) the Oath of Allegiance of His Majesty, prescribed by Law, or on doubt thereof, shall take the same before they embark in such adventure. The Ordinance then proceeds to require that every Vessel (except such as are under the Burthen of five Tons, navigating the River St Lawrence and the Bay of Quinty, and except all Canoes, Bateaux, or open Boats, under the Burthen of ten Tons navigating the Lakes) shall take out a Register. It requires also Bonds and several other Documents from all these vessels, forming on the whole a very accurate and strict system of Registry, and then enacts that all vessels concerned in this navigation, which shall not be furnished with a Register and the other Documents therein mentioned, and shall not produce the same to the Kings Officer in the Ports or Places where they arrive, shall be subject to Forfeiture. A power is given to the Governor or Commander in Chief of the Province for the time being, upon any great or urgent occasion to prohibit for any given time, by an Order under his Hand and Seal, even these Vessels from Navigating the said Lakes, if he may think such order necessary and for the security of the Province.

From the foregoing Account it appears to the Committee, that a Commercial Intercourse, is already opened between the Province of Quebec and the State of Vermont, as well as the other neighbouring States, upon as extensive a plan as the People of Vermont seem to have wished. It is true that this Commerce is not secured to them by Treaty. Lord Dorchester was of opinion as is before stated that he was not authorized to form a Treaty with them, and he might perhaps think that it would be offensive to the United States of America to form a Separate Treaty with a people who inhabit a Country, which the said States may consider as a part of their Territory ; a people who ought on that account to be dependent on them. It is impossible to suppose that Mr. Levi Allen can be ignorant that a Commercial Intercourse has been opened with the State of Vermont by the Government of Quebec in manner before mentioned, and as he still presses that a Treaty should be concluded it is reasonable to infer that he has some other object in view, besides the establishing a free Commerce between the Countries, and that he has probably received secret Instructions for this purpose.

To throw Light on this Point, the Committee think it right to state the Information they have lately received of the political situation of the State of Vermont.

The Country now inhabited by the People of Vermont was formerly claimed by the Legislatures of New Hampshire and New York who had frequent Disputes on this Subject. A number of Adventurers chiefly from the Territories of Massachusetts Bay and Connecticut, taking advantage of these Disputes went and fixed their Habitation in this Country, and have kept possession of it ever since. These Settlers had

at first no other appellation than that of Green Mountain Boys. But in December 1777 They assumed the Title of the State of Vermont and considering themselves as Independent, established a Form of Government; and from that time they have continued in the exercise of all the Legislative and Executive powers belonging to an Independent State—In March 1787 a Bill passed the House of Assembly of the State of New York, declaring Vermont to be a separate Independent State; but this Bill was rejected by the Senate of New York, because there was no provision made in it for securing to some of the Inhabitants of the State of New York, certain Lands claimed by them and which has [had?] formerly been granted to them, while that State made a part of the British Dominions. In a subsequent Session the Legislature of New York appointed Commissioners on the part of Vermont in order to settle the Points in dispute. The event of this Conference is not yet known; but whatever it may be, it will probably decide the opinion of the Legislature of New York concerning the Indepen[den]ce of Vermont. But there is reason to believe that the Congress lately established, will soon take this business into Consideration. Vermont has already between 70 and 80,000 Inhabitants, which is a greater number than belong to several States which now make a part of the American Confederacy. The Eastern States will be desirous from political Motives that Vermont should become a Member of the federal Government. They will wish to retain Vermont as a Frontier for their Security and there is ground to suppose that they are on that account apprehensive of its becoming connected and forming an alliance with the British Government. There is another Circumstance which inclines the Eastern States to wish that the State of Vermont should be acknowledged as Independent and made a Member of the Union.

The Settlement of Kentuck,¹ which consists of about as many Inhabitants as that of Vermont, and which at present makes a part of the State of Virginia, has applied both to the Legislature of Virginia and to Congress to be acknowledged as an Independent State, and to have a voice in the Federal Government. The State of Virginia who find their present Connection with Kentuck to be both Expensive and inconvenient are inclined to the proposed Separation, and many of the Members of Congress have shown a Disposition to acknowledge the Independence of the people of Kentuck and to admit them into the Union, but the Eastern States are not disposed to consent unless the State of Vermont be at the same time admitted as they apprehend that the influence of the Southern States in Congress will become too powerful by the accession of Kentuck unless it is counterbalanced by the addition of a new Member connected in Interest with the Eastern States. From Information received it is probable that this point was brought into Discussion during the Second Session of Congress which commenced in January last.

¹ The spelling is doubtful, perhaps it should read Kentucte here and following.

The foregoing facts sufficiently explain the Impatience shewn at present by the Agent of Vermont to be informed of the Intention of the British Government with respect to an Alliance with the State of Vermont.

It belongs not to the Committee to decide how far any Article in the late Treaty of Peace, by which the Independence of the United States was acknowledged and the Extent of their Territories defined, may make it improper for the Government of this Country to form a separate Treaty with the State of Vermont, or whether it may be politically prudent all circumstances considered, to risk giving offence to the Congress of the United States by such a Measure ; but the Lords are of opinion that in a commercial view it will be for the Benefit of this Country to prevent Vermont and Kentuck and all the other Settlements now forming in the Interior parts of the great Continent of North America, from becoming dependent on the Government of the United States, or on that of any other Foreign Country, and to preserve them on the contrary in a State of Independence, and to induce them to form Treaties of Commerce and Friendship with Great Britain.

Besides the State of Vermont and the Settlement of Kentuck, six other Settlements are said to be already forming in the interior parts of the American Continent, some of them by encouragement from the United States ; others under the Protection of the Spanish Government ; and some appear to have no connection hitherto with any Foreign Power. There can be no doubt, that the Numbers of People in these Settlements will very rapidly increase partly by the ordinary course of Population, and partly by Emigrants from the United States, and by others who may resort to them from the Nations of Europe. As People of this description must for a Number of years be principally employed in raising Provisions, and such other Articles as are best adapted to the Nature of the Soil, which they possess, and to the Climate, under which they live, it is evident that during that period at least, they will be under the necessity of importing from Foreign Countries such Manufactures and other Commodities as contribute most to the comfort and enjoyment of Life and whatever Nation is best able to supply them with these Merchandizes at a reasonable rate, cannot fail to derive great commercial Advantages from their Intercourse with them.

The Countries where all the before mentioned Settlers (except those of Vermont) have fixed their residence are separated from the Countries inhabited by the People of the United States, and from the Atlantic Ocean by a large Ridge of Mountains which must be passed, if they attempt to open by that Way any commercial Intercourse. The Expence of Land-Carriage over these Mountains will so enhance the Price of any Commodities, which they may wish to purchase, as to make it very expensive and difficult for them to obtain Supplies by that mode of Conveyance ; and it will still be less practicable to convey the Produce of the Soil in which these Settlers must make their Returns, being all bulky Articles, over these Mountains to the Heads of the Rivers, that run from the

foot of them into the Atlantic. It is clear that even the People of Vermont, who are more conveniently situated for a Commercial Intercourse with the United States, find that such Intercourse by Land-Carriage is by no means so practicable, or likely to be so profitable to them, as a direct Trade with Canada, carried on by means of Lake Champlain, and from thence into the River St Lawrence. It is certain therefore that the various Settlements that are now forming in the interior Parts of the American Continent, will wish to open a Communication with Foreign Nations, either by passing the great Lakes and from thence into the River St Lawrence, or by descending through the various Rivers, that run into the Mississippi, and by following the Course of that River into the Ocean. There appears to be no other practicable Channels by which these Settlers can carry on the sort of Commerce in which they will necessarily be engaged, and there are Circumstances which make it probable, that the Passage over the great Lakes and by the River St Lawrence will be found of the Two to be much the most convenient. It will be fortunate for Great Britain if this Channel continues exclusively under her Command; for the Commerce, so carried on, will be attended with this singular advantage that the Ships employed in it must belong wholly to the subjects of the British Empire. It appears from Information lately received that the People of Kentuck are desirous of forcing their way down the River Mississippi to the Ocean. They have already applied to the Congress of the United States for obtaining through their Influence with the Court of Spain, a free Navigation on that River. They found their claim to it upon the Right naturally resulting from the possession of the Countries bordering on the Rivers flowing into the Mississippi; and they alledge that by the Treaty of Peace of 1763, between England France and Spain, the free Navigation of the River Mississippi was secured to England and was exercised till the Peace of 1783, and that, by the Treaty then made with America, England ceded to the United States the free Navigation of that River.

The Spaniards are very jealous of any Communication which the Americans may wish to have, by means of the River Mississippi, either with the Indians, or any other Persons settled in the interior Countries of America. To prevent such Communication they now employ British Agents, Subjects of His Majesty and attached to the British Interests to manage the Indians in the Southern Parts of this Continent and to supply them with British Manufactures which are sent out annually from Great Britain by Vessels under the protection of Passes given by the Spanish Ambassador residing in London; And these Manufactures are paid for by great Quantities of Deer Skins and some other Peltry, permitted to be exported from Spanish Ports in British Ships directly to Great Britain. There is every reason also to believe, that a very lucrative Commerce is now carried on from the Port of Providence in the Bahamas and from the Free Ports in the Island of Jamaica to the Spanish Ports in the two Floridas which is at least connived at by the Spanish Government in order to prevent the People of the United States from

obtaining any Influence over the Indians and having any share in this Trade.¹

It cannot be doubted that the Navigation of the River Mississippi will soon give rise to many contests between the Government of Spain and the American Congress, who will wish to support the Settlers in the interior Parts of America in the claims they may urge on this account, with a view to secure to themselves the Friendship of these new Settlements, and thereby to open to the Vessels of the United States the Entrance of the River Mississippi.

What may be the Issue of these Contests it is not possible at present with any degree of certainty to foretell, nor is it prudent yet to pronounce what ought to be the Conduct of Great Britain in this respect; It is proper however for the Committee to observe, that there will be less danger in encouraging the Navigation of Spain in those Seas than that of the United States and that the Ships of these States are more to be apprehended, as Commercial Rivals than those belonging to the Subjects of the Spanish Monarchy.

The Committee have thought it right, that I should enter into this detail in delivering Their Opinion on the Question you referred to Them by His Majesty's Command concerning a Commercial Intercourse with the State of Vermont. It appears to them that the same Policy, which ought to direct the Conduct of Government with respect to Vermont applies equally in a Commercial Light to all the other Settlements, that are forming in the interior parts of the American Continent and that no true Judgement can be formed of the measures which ought on this occasion to be pursued without taking comprehensive view of this Subject in all its Parts, especially at a time when there is reason to suppose that a Commercial Treaty may soon be negotiated with the Congress of the United States of America, at a time also, when the Committee observe, with the highest satisfaction, that the Manufactures of this country are improving and progressively increasing in so great a degree, that it is necessary to seek for new Markets in every Part of the World, in order to afford sufficient Scope and further Encouragement to the Industry of His Majesty's Subjects.

I have the Honor to be, With great respect

Sir

Your most obedient

And most humble Servant

STEPH. COTTRELL

2. *Two Letters of Richard Cromwell, 1659.*

IN the Lansdowne collection of manuscripts in the British Museum, vol. 821, are twenty-three letters of Richard Cromwell to his brother Henry. Most of them are of little value, but two, fols. 153 and 154, possess importance as proving that Richard did not so

¹ See the documents relating to Bowles.

readily acquiesce in his downfall as is generally supposed. Heath states that he declared himself unwilling to "have a drop of blood shed for the preservation" of his greatness, which was "a burden" to him (*Chronicle*, 744). While it is not improbable that he made these assertions, it is plain from these letters that he soon changed his mind, as indeed, was commonly believed at the time. Barwick writing Hyde on May 2d remarks that "they say he much repents of what is past." (*Thurloe*, VII. 666.) It is equally plain that Guizot was mistaken in asserting that "Richard allowed more than a month to pass before he wrote to his brother or sent him any directions." (*Guizot*, I. 143.)

The letters here printed are written in cipher (deciphered) and are neither dated nor signed. The events mentioned, however, assign the first letter almost certainly to the 12th of May, and the second to the 17th of the same month. They are misplaced as they stand in the collection. It is possible that they were not received by Henry Cromwell, for he complains in a letter written to his brother on the 23d that he has heard nothing from him "for some time before the last parliament was dissolved." (*Thurloe*, VII. 674.)

RALPH C. H. CATTERALL.

I. (FOLIO 154).

I shall not say in how sad a condition I and owre famuly, nay the nations are in for it is better for me to throwe myselfe in the dust and crye before the Lord, my sins hath brought what is come to pase upon us but truly it is as low as men can make it and the flourishing bough of it at spring is weathered I shall let my deportement be made knowne by my Bro¹ and Petty² the first beinge a spectator to my carriadge at the time the par sat I can assure you I stooode not so highe as my father did yet I thought it was fitting I should keep the grounde of a good conscience wch I have done hetherto though it be for my present ruen and famuly for I could not have beleved that religion relation and selfe interest wold have deceived me sense Petty departure whoe was fuly instructed the same for Scotland at the same time being sent for youre better correspondency the rumpe of the parl hath met³ whoe are about sixty and are very violent upon him that is gone as wel flyinge high upon those that are living there is a commite of safety apointed who sits at Wallingford Howse the names of them are Fl⁴ Des⁵ Vane Hasselrige Ludlow Lambert and others⁶ they are propounding to the parl five generals that

¹ Lord Broghill. He left London April 29, 1659. *Thurloe*, VII. 665.

² Dr. Petty, afterwards the celebrated Sir William Petty.

³ May 7.

⁴ Fleetwood.

⁵ Desborough.

⁶ Appointed May 7 (*C. J.*, VIII. 646) but did not include Lambert and Desborough until the 9th. (*Ibid.*)

shal have equal powers whoe are not to act a part in the government of the army¹ though youre provocation is very greate and you have a great sense of the honor of my deceased father and the perishing condition of the famuly yet youe wil be wary what you doe for youre owne sake and the sake of those that shal have an affection with you nothing giveth hopes but a cleare understanding and good correspondency with general Moncke whoe hath written a letter which is very favorable² but I hope it is only to hold himsele in a good opinion with them at Westminster until a faire oportunity I beleive they here intende to be very vygorous and briske if not timely prevented which cannot be but by a diversion from the forces at the distant places I knowe noe hope but some such way and that must be also assisted by frinds and strong places here³ which if there be and hopes with you there being none left here it wil be necessary that we should keepe boeth often and close correspondency I am now in daly expectation what course they wil take withe me my confidence is in god and to him wil I put my cause I have heard nothing from Scotland or Dunklerque nor fletee this nation is ful of raige and unquietnes 500 horse would have turned al but my E⁴ was a spectator how corporals led troops from there captaines and captaines from there colonels I beleive K and L⁵ are not longe lived if it wold please god to let them see there dainger yet theings might be retreived but oure hopes are lowe I knowe not whether a liberty or a prisson The Lord be with you and for me pray doe nothing that may be for your ruen but lay youre bussines withe united strength and then leave the succese to god I could wish you could have a correspondency by some ship from Ireland to general Mountague

I rest

deare brother

yours most affectionatly

II. (FOLIO 153).

I am not able to advise my freinds my councel and my relations having all forsaken me⁶ I am now attending the greate god, whoe is only

¹ This suggestion was made to Parliament on May 11 (*C. J.*, VII. 649). On the 13th, however, seven instead of five were named (*ibid.*, 650), a fact which shows that Richard wrote after the 11th and not later than the 13th. As he does not mention the discussion in Parliament over the naming of a committee of state, which took place on the 12th, it seems certain that the letter was written on that day.

² *I. e.*, to the Rump. Read in Parliament May 9 (*C. J.*, VII. 647). No date is given when written, but it must have been before the 5th. (Guizot's *R. Cromwell*, I. 381.)

³ As Richard does not mention the offers of assistance repeatedly made by Bordeaux to Thurloe on behalf of France even as late as May 18 (Guizot, I. 379-385, 387, 389) it seems probable that these had not been communicated to him by Thurloe.

⁴ Broghill. The word "lord" preceding has been erased.

⁵ Fleetwood and Desborough. K and L being their cipher designations.

⁶ The formal adhesion of Monk and his officers was read in Parliament on the 18th (*C. J.*, VII. 658). It was dated the 12th. Lockhart's submission to Parliament was made on the 17th (Thurloe, VII. 670-671) and was also read in Parliament on the 18th (*C. J.*, VII. 657).

my hope I wish he had been more when in prosperity but as to the ey of men I was not wanton they have nothing to say though I am in the duste with my mouthe as to god I shall not direct you to your owne counceles being only able to offer you matter of fact wch would be too tedious and supitious to relate it in paper and therefore I have as farre as I can instructed doctor King whoe hath seen things and understood more by his generall converse than myselfe Pray have a care whoe you trust the world is false And for myselfe those that were my father's freinds *pretended ones* only were myne it required time to acquaint myselfe with them and they tripped up my heeles before I knew them for though they were relations yet they forsooke me I knowe Ffld and Desb regaurds not ruen soe that they may have there ends they are pittiful creatures god will avenge innocency I have acquainted this bearer with Mounkes letter¹ in answer to what I sent him wch was the same I sent to you it is a poore one ; and without Bro can retrive and the fleete stand stenche there is noe hopes as to my busines greate severities are put upon me and I expect the greatest this afternoone I looke for comittee to come unto me, with yesterdays votes² this bearer shal alsoe be acquainted wth them thes men intend nothing lese then ruen to us boeth yet let me not provocke youre judgement I knowe not more to say, but to let you know the great men doe not agre and that the army is in greate disorder the horse and foote the one for his penny a day the other for his thrippence a day besides honest men throwne out only because they were protectorians David's case was very heard let us rely upon the god of our ffather. and it wil be as much o' hon' to know how to. I shall desire the Lord to be y^r helpe in all y^r streight, and difficultyes with myne, and my wyfes true respects I rest

I would faine knowe what Bro sayes in this oure case pray have a familiar kindnes to him.

3. *A Letter of Marquis de La Fayette, 1781.*

THE following letter has been kindly sent by Dr. Frederick Tuckerman of Amherst, Massachusetts. The original is in the possession of Mr. Marvin M. Taylor of Worcester, Massachusetts, whose wife was a lineal descendant of Dr. Samuel Cooper, to whom the letter was written. A short sketch of the life of Dr. Cooper will be found in Vol. VI. of the REVIEW, pp. 301-303.

CAMP NEW YORK Virginia 26th October, 1781.

My Dear Friend

The Glorious, and important success, we have obtained will afford joy to every true American, and I heartily congratulate you upon an event, that has such an immense influence in our Affairs—Nothing but the great distance I was from you has prevented my writing more fre-

¹ See the previous letter, where Richard declares that he has not yet heard from Monk.

² Committee appointed May 16th (*C. J.*, VII. 655). Pickering and St. John reported May 25, presenting Richard's abdication, which had been signed some time earlier (*Ibid.*, 654). The votes referred to were probably those of the 16th.

quently than I have done—but there was such a danger of letters being lost or intercepted, that it spoiled in great measure the pleasure of a friendly correspondence. The storm that had been gathered against this small Army gave us great deal of trouble to maintain the Vessel afloat. Nothing but the bravery, fortitude zeal and discipline of our regular force, the patriotism, and patience of our militia, could have saved us from ruin, and extricated us from our innumerable difficulties—at last, it became possible to recover the ground we had lost and from post, to post, the enemy took the very one which could the best suit our purposes.

The combination of Means, which from so different and so distant points were timely collected in this Bay have insured us a success so brilliant in itself so great in its consequences that it must add a new glory to Genl Washingtons name and become a new tie of confidence and affection between the two Nations.

Virginia had been the place pointed out by the British Ministry. Virginia was the object of this Campaign, and the thunders of Britain were in the hands of a Man whose great and well supported character, ranks him among the Heroes of England, and places him far above any General they have hitherto sent to America. What will be the feelings of that proud Nation when they hear that their best General, their best Officers, the remainder of 18 of their best Corps amounting to 7050 men exclusive of Seamen, and a great number of vessels have surrendered to an Army equal to that which made the boasted Siege of Charlestown where less than two thousand men, after forty five days of oppressed marches were with difficulty persuaded to accept of conditions which after eleven days have been imposed upon Lord Cornwallis's Army. It is true there has been less gallantry on the part of the British, and less sense on the part of their General displayed in the Siege of Charlestown than in any Siege that ever was made—But however our garrison of Charlestown was paid a very great Compliment to when after so short a space Lord Cornwallis accepted the same terms I am far from reflecting on that General whose talents I greatly admire and whose lessons I have been proud to take in the course of this campaign, but cannot help observing that Sir Henry Clinton's repeated blunders have thrown the Gallant Cornwallis in this disagreeable situation, and that no Man has ever helped me so well to deceive Lord Cornwallis dangerous positions—as the Commander in Chief of the British Army.

The operations of the Seige will be so fully related to you that it is needless for me to enter into details I shall only observe to my friend that never my feelings have been so delightfully gratified as they were on the 14th in the evening, when the American light infantry in sight of the Armies of France America and England gallantry stormed a redoubt Sword in hand, and proved themselves equal in this business to the Grenadiers of the best troops in Europe. I long ago knew what dependance was to be put on them, and was so sure of success, that not a gun had been loaded—but to see this little affair transacted under the eyes of Foreign Armies, gave me Unspeakable Satisfaction.

My present wish (*entre Nous*) is to go round with the fleet to the Southward—how far I will be able to effect this purpose is not yet determined, at all events I will be in Philadelphia in the course of the Winter—and should the Armies remain quiet should Congress think I may serve them in Europe, I shall be happy to cross, and recross the Atlantic in the space of a few months provided I see my going there may be materialy serviceable—that is, my dear Sir, the present plan I have in view, and whatever may be the wishes of Congress, nothing on my part will be neglected to render them my services. At all events I shall endeavor to pay a visit to my Friends in Boston—the attachment, and partiality I feel for that Capital can not be sufficiently expressed—I set such a value by the esteem of your Countrymen that it will ever animate me under every difficulty I may encounter, their reception on my return from France, and the many favors I have received from the people at large, and from individuals in particular, shall ever be precious to my heart.

Mr. Cooper is returning to Boston, and hopes to be exchanged. I am very desirous to see every particular respecting Halifax Newfoundland and Penobscot—I request you will take some pains on this head—and send the accounts to me at Philadelphia under cover of the Massachusetts Delegates. It is very well worth sending an express on purpose and I would wish to know what Expedition you think might (for next campaign) become most agreeable to your State—

Present my best compliments to the Govenor and his Lady, Mr. Baudouin Mr. Cushing and all our friends—remember me most affectionately to your family and believe me

Yours for ever

LAFAYETTE.

4. A Letter of Alexander H. Stephens, 1854.

THE original of the following letter is the property of Miss Martha Reid Robinson of Chicago. It was written to her grandfather, Colonel Robert Sims Burch, who studied law with Mr. Stephens, and was afterwards for some time in partnership with him in Crawfordville, Georgia. At the time when the letter was written, Colonel Burch lived in Marietta, Georgia.

J. F. J.

WASHINGTON D C

15th June 1854

Dear Bob

Your letter of the 12th Inst was received this morning. I was at home last week, and last Sunday was a week I spent at Atlanta. I thought of you often on that day and if I had been right sure of your being at home I should have spent the day with you instead of spending it where I did. But I feared I might have my ride up to Marietta only to meet with a disappointment and as it was I made out luckily to pass the day most

agreeably with our old friend Floyd Mims.¹ Much of the time was taken up in talking over scenes which now exist only in memory. I *intend* however to see you this summer some time. I am now in good health—that is good for me. I am hardly ever in such condition or state of feeling as would warrant me in saying that I am well. With me in this particular I always have to speak in a comparative sense. I am therefore and with this explanation gratified at being able to say that I am a good deal stronger and feeling a good deal better than when I saw you last.

As to that part of your letter which bears upon the political prospects of the country etc I can only say that every thing here now on such questions is completely at sea. There are really no parties in this country. There are persons calling themselves Whigs and others calling themselves Democrats but these terms do not designate in the slightest degree classes of men agreeing upon any of the public questions or issues of this day. What is to turn up in the future I can not tell. My opinion is that Parties must form upon questions and it is idle and futile to attempt to keep up these old unmeaning designations which had their day with the questions that brought them into being. I don't think it proper at this time to take any lead towards the formation of new parties—"sufficient unto the day is the evil thereof." I would support Dickinson upon present questions and as he now stands before the country with a great deal of pleasure. But whether he will be a candidate or how he may stand upon the questions before the country two years hence I have no idea. In reference to *myself* however I must say that no inducement on earth could prevail on me to allow my name to be connected with either of the offices—that of President or Vice President. I have no ambition that way. I want no office in the world. I hold my present place rather against than in accordance with my wishes. Nothing but a sense of duty or the belief that I might do the country some service induced me to run the last time. This may seem strange to you and I would not so write to hardly any other man because I know that human nature is such that I should not be credited in the declaration. But I believe you know me well enough to do me the justice to give me credit for sincerity in making the statement.

My sole object here now is to serve the country. I have little or no confidence in Parties as such of any name or style. And I think the less a public man is trammelled by them the more efficient he is to do good. Since the triumph of the Nebraska Bill I feel as if the *Mission* of my life was performed. The retrospect for the last ten years since I have been on this *theatre* to me is most gratifying. When I think of the state of the country then and now—the nature of the principles and issue between the two great sections of the Union growing out of the institution of Slavery and upon which the peace harmony and even existence of the Union depended and my own connection with the settlement of those principles upon several most critical occasions in that period—the review

¹ John Floyd Mims, agent of the Georgia Railroad at Atlanta, and mayor of that city in 1853.

is as pleasing and as joyous as it is for the Storm tossed mariner to gaze in delight upon the bow of promise arching in its gorgeous brilliancy the blackened elements of the tempest cloud as it passes over with its fury spent leaving him with rudder safe, masts erect and sails untattered and untorn to bear him still onward to his destined Haven. This contemplation is the more particularly gratifying to me for some reasons you will allow me to mention. In the first place duty as I understood it required me on several occasions to assume positions not only against the prevailing opinions in our section of the country upon the issues presented while this contest or slavery controversy was raging but against the judgment of some of my best friends. This was very painful to me. But I looked alone to the future for my vindication. I knew I was then misunderstood but I felt an inward assurance that *time* would bring all things right. That future to which I looked has come. That time which I trusted has done its work. And when the signal guns upon Capitol Hill proclaimed the final passing of the Nebraska Bill I felt that the cup of my ambition was full. And to be a little more specific in the reasons to which I have alluded I will state what you may well recollect.

Ten years ago, the first Session of Congress after I took my seat the Texas question was started. The subject was brought forward by Mr. Tyler under the guidance of Mr. Calhoun secretary of state in the form of a treaty with Texas. That treaty stipulated for the *cession of Texas* as a *territory* of the United States to be held as the other *territories* of the General Government and without any *guaranty* or *security* against the exclusion of Slavery therein by Congress. It also provided for the payment of the debts of Texas to which I was opposed. But the main point with me was the absence of any *provision settling the Slavery question* to which the measure gave rise. On this ground I opposed it. It was with me a controlling point. Because at the North *Annexation* was *zealously* espoused by those who openly declared their intention of making it *free* territory or in other words of excluding the Southern people from carrying their slaves there, this *ground* of opposition on my part was asserted throughout the state to be nothing but a *pretext*. I was charged with being opposed to the acquisition. And it was in vain that every where I declared myself in favour of the acquisition upon such terms as would give the South security. It was again and again asserted that I was demanding what I knew could never be obtained. I insisted that we should accept no terms of annexation that did not *secure* in the bonds of union the right of all states that might be formed out of the territory South of 36.30 the line established in 1820 to come into the Union with Slavery if they saw fit. This it was said was equivalent to open *hostility* to annexation and I was accordingly charged with being an enemy to Texas annexation. This to me was *painful*. For there was not a man perhaps in Georgia more in favour of annexation upon safe terms than myself. This was the first great sectional struggle after I came to Congress. I *maintained* my position. I withstood the assaults upon my motives and patriotism. And to my gratification then I succeeded with

six other Southern men who acted with me in defeating any scheme of annexation which did not contain the guaranty that I demanded. And when the friends of annexation North and South found that they could carry no other measure they were compelled to take the plan advocated by me. And the Resolutions drawn up by Milton Brown of *Tennessee* after consultation and advisement with me *exactly* on the basis I had maintained throughout Georgia in the canvass of 1844 were finally passed and became the bond of Union between the two Republicks. There were no afterclaps. The slavery question involved was settled and put to rest in the very terms of the Union between the two countries. This I say was the first contest between the North and the South after I came to Congress. The next grew out of our Mexican acquisitions. That was much the fiercest and became much the most dangerous because this question was not settled at the time of the acquisition as it ought to have been. The part I took in that contest was also much the most dangerous and perilous to me personally. The danger and peril I met. The whole South, nearly, again under the lead of Mr. Calhoun, had agreed, after the strife had become threatening, to what was called the Clayton Compromise. This was a Bill introduced in the Senate in 1848 providing for the establishment of territorial Governments for the country acquired from Mexico by the treaty of Peace of that year and Oregon.

The North had for several years claimed the right and power to exclude Slavery from all these common territories. This Legislative exclusion under the lead of Mr. *Wilmot* had passed the House every time it had been offered. The right thus to exclude by Congress was almost universally denied by the South. But besides this difference there was still another point of disagreement. I *believed and knew* that upon the acquisition all the laws of the Country ceded which were not *inconsistent* with the Constitution of the United States would continue in force until changed or modified by the lawmaking power of the new sovereign to whom it was transferred. I knew also that Slavery had been abolished by law throughout the Mexican territories before the cession. We got the country therefore with a positive exclusion of Slavery by law at the time of acquisition. This exclusion I insisted should be taken off or provided against by Congress so that the South might have some participation in this vast region of public domain. But in this position I stood almost alone in the entire South. And at this stage of the controversy Mr. Claytons Compromise was agreed upon in the Senate. It abstained from a positive exclusion of Slavery by Congress. In other words it *omitted* the Wilmot Proviso upon which the North had insisted with such pertinacity and *referred* the question as to whether the Mexican *antislavery law* had been rendered null and void by the operation of the Constitution of the United States alone or not to the Supreme Court of the United States. Their decision was to be final. If they should decide that the Constitution by *itself* without any *legislative act* did not change, repeal, or modify an existing local law of that nature and character then the South was to be *forever* excluded from the territory thus

acquired. And the Bill further provided that neither Congress or the people of the territories should ever pass any law either establishing or prohibiting slavery therein. The *status* of the country was to remain *forever* as it was at the time of the acquisition upon the subject of slavery except in so far as the Constitution by itself without any exercise of the legislative power under it had changed or altered it. This was the Clayton Compromise. The whole South nearly hailed it as a *triumph*. I looked upon it as worse than the "*Wilmot Proviso*." For if the Wilmot Proviso was *unconstitutional* as was held generally by the advocates of this Bill the Supreme Court would so hold anyhow. So no harm could come of that if our rights were in any event to be left to them in the last resort. But in case the Supreme Court decided as I had no doubt they would that the Constitution by itself neither established or abolished slavery anywhere that it simply protected and guaranteed its enjoyment in all parts of the Union, territories as well as States where it was not *prohibited* by the law of the place—I say in case the Supreme Court so held then by the terms of this Clayton Compromise the power or right to change the *status* of the Country or the law of the place in this particular was denied by an express clause both to Congress and the people of the territories. It was this Bill you know I was so bitterly denounced for defeating. On my motion it was laid on the table in the House after it was passed by the Senate. I was called a *traitor* an *Arnold* etc. I was asked if I had any hopes of ever getting a better Compromise even by friends who did not like it very well themselves. I stood this and a great deal more but not without the shedding of some blood. I stood it all nevertheless however looking to that future of which I have just spoken. Time rolled on—

"Men change with fortune, manners change with climes,
Tenets with books and *principles with times*."

My *justification* came sooner than I expected. For in little over two years I lived to hear men demanding a repeal of the Mexican anti-slavery law, which they had denounced me as a traitor for saying existed! But this is not all. The question was again up in Congress. The strife raged hotter and fiercer than ever. I was willing to divide the country on the line of 36.30, the same which was fixed on the acquisition of Texas, with a recognition of our rights south of that line. This the North would not grant and a majority of the South also opposed upon *constitutional grounds*. I need go no further into detail. Suffice it to say that if the South had then stood by me we should have got a clear and unequivocal repeal of the Anti Slavery law existing in the territories at the time of the acquisition. But as it was we got the guaranty that the people when they come to form state Constitutions should come into the Union either with or without slavery as they may determine for themselves. This guaranty was not confined or limited to territories South of 36.30 but up to the 42d North latitude. We got the right secured to the people of the territories of Utah and New Mexico to change the anti

slavery law of those territories if they saw fit to do so, and under which right secured the people of Utah have recognized slavery in their system. New Mexico I have little doubt will also do the same. But the great principle established in 1850 was that there should be no Congressional restriction or exclusion of Slavery in the territories of the Union, and that new states shall come into the Union either with or without Slavery as the people in forming their state constitutions shall determine for themselves. This was the principle established in 1850. The *restriction* in 1820 was inconsistent with that and hence when we came this year to organize Govmts for Kansas and Nebraska we demanded—I demanded—that this principle should be recognized and carried out and the restriction of 1820 declared null and void. It has been done. Are we not in a much better condition today than we were in 1843 when I took my seat on the floor of the House—I mean the South? Are we not in an *infinitely* better condition than we would have been in if the Clayton Compromise had been adopted? May I not look back and proudly demand of my bitterest assailants whether time has not shown that I was right and they were wrong? Could or ought ambition to ask or desire more? But I have done. You must excuse this long scroll. When I commenced it I had no idea of filling one sheet. I have just run on as I might *talk* to you if I were with you and to nobody else. You know there are certain things with [which] everybody treasures up in the heart which are communicated to but few. So it is with me today towards you. I would not so express myself as I have to you to hardly any other person for various reasons. In the first place it might be thought that I treasured ill will towards those who thought differently from me in days gone by upon issues now past, when in fact I have no such feelings. Nor have I any wish to exult in a triumph which would awaken unpleasant reminiscences. Conscious all the time of being in pursuit of the right and nothing but the right I am amply rewarded by seeing the right triumphant in the end. I barely intended to say to you that I have no desire to build up *parties* as such. All combinations of men have a tendency in themselves to grow corrupt. And the best position for every honest man in public position especially is to have as few party obligations to fulfil as possible. I trust for the *honor* to say nothing of the safety of the South that there never will be another affiliation on the part of any portion of her people with the Northern Whig Party constituted as it now is. And I trust also that no portion of the Southern people will ever again go into any National Convention to nominate candidates for President and Vice President with any Party which does not first *purge* itself of all *freesoil* elements. This is what I wanted done in 1852. The country is in better condition for this plan or *reorganization* than it has ever been before. Mr. Pierce is a good, social, clever gentleman, *individually* sound and right upon all these questions. But he will not make them a *test*. The consequence will be that he will fall. His administration is now powerless. His cabinet is divided. He was for Nebraska, but those democrats at the North who have received the

largest amount of patronage for their friends went against it. Marcy I have no doubt was hostile to the bill. Mr. Pierce is also for Cuba. But Marcy is not. And I fear that the South will be "gulled" by him on that question. As for myself I am for Cuba, and I think if our citizens see fit to go and rescue the Island from Spanish misrule and English abolition policy they ought not to be *punished* by us for so doing. In other words I am for repealing our laws which make it a misdemeanor and punishable to take part in such a struggle as it is believed will take place there between the planters and the Govmt before the legislative decree goes into effect in August next. If the people then resist I am for aiding them. It will be another St. Domingo struggle and any American in my opinion should feel a sympathy for his own race. I am against Cuba's becoming a *negroe state*. But again enough. Excuse my haste. I have but a few moments to scribble you these lines. I hope to see you before many months and talk over these things. But I must repeat once more that my strong desire is to get out of this bustle and retire to the quiet and repose of my own sequestered home and leave the world to take [care] of itself.

My best respects to Mrs. Burch and kind regards to all the family.

Yours most sincerely

ALEXANDER H STEPHENS

Robert S. Burch, Esq
Marietta
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REVIEWS OF BOOKS

The Great Persian War and its Preliminaries; A Study of the Evidence, Literary and Topographical. By G. B. GRUNDY. (London: John Murray; New York: Charles Scribner's Sons. 1901. Pp. xiii, 591.)

THE author of this ambitious and important monograph spent the winter of 1892-1893, the summer of 1895 and the summer of 1899 in Greece and in the course of these visits examined the principal military routes used in ancient times and the most famous battle-fields. Thus equipped with an accurate knowledge at first hand of the theater of operations, he has studied afresh the literary evidence concerning the Persian wars, with a view to settling the political, strategical and tactical questions to which it has given rise and incidentally to determining the character of Herodotus as an historian.

What gives his book its unique value is its topographical apparatus. This includes not only notes made in all parts of the field but also the results of especially careful observation in the plain of Marathon and the strait of Salamis, both already surveyed by others, and above all detail maps of Thermopylæ and Plataea, as surveyed the first time by Mr. Grundy himself. His analysis of this material, which is illustrated by a large number of original sketches and some photographic views, must be taken into account in all future discussion of the four great battles of the war and the campaigns that hinged upon them.

While at work in the field Mr. Grundy naturally depended upon the evidence of his own eyes. In reporting physical data he could afford to ignore the opinions of those who had never seen the ground. It would seem as if this had led him to believe that, in the very different work of interpreting the literary tradition in the light of this new evidence, he could safely rely, to an altogether undue extent, upon his own unaided reason. Except in a few instances, he has entirely failed to assimilate the contributions which others have made toward the solution of his problems or to test his own conclusions by entering fully into their arguments. He discusses consequently a vast amount of irrelevant detail, raises old difficulties long since solved, proposes rejected explanations, and proves over again established conclusions. The half of his book would be more than the whole.

It is now fifteen years since Hans Delbrück in his *Perserkriege und Burgunderkriege* laid the basis for all future treatment of the military and literary problems of the Persian wars. This book is nowhere named by Mr. Grundy. Its author is mentioned twice, each time in a foot-note.

Thus we read on page 210, in support of the statement that some modern writers have underestimated the size of Xerxes's army: "*E. g.* Delbrück attributes to Xerxes an army of from 65,000 to 75,000 combatants.'" Now this is a question of fundamental importance and, whether Delbrück's estimate be right or wrong, the very remarkable chain of argument by which he led up to it, deserves consideration. Mr. Grundy writes as if he had never read it and although he admits that the figures given by Herodotus are impossible, yet he concludes solely from the extent of the Persian Empire and from the Oriental reliance upon numbers that 500,000 should be regarded as the minimum figure for the troops employed on land. How such a force, with at least an equal number of non-combatants could be maintained in Greece, how it could be manipulated on the battle-field, or how such an overwhelming predominance of numbers on one side can be reconciled with the actual conduct of the war, he omits to explain in the course of the few sentences with which the whole matter is dismissed.

His survey of Thermopylæ and his examination of the strait of Salamis were not made until the summer of 1899. In November of the same year, in ample time for him to use it, appeared the second volume of Eduard Meyer's *Forschungen zur alten Geschichte*. However difficult it may have been for him at that advanced stage to adopt a truly critical attitude towards Herodotus, for whom indeed he claims extraordinary accuracy in the statement of facts, he might at least have learned from Meyer not to credit the legend that the Greek fleet on the eve of Salamis was in a state of panic nor to repeat the charge that Leonidas was sacrificed by the failure of his government to reinforce him. According to Meyer's view, the force under Leonidas was large enough to hold the pass until the Greek fleet at Artemisium should engage the Persian ships, and no force that Sparta could furnish could have done more. The hesitation of the fleet to risk a decisive battle made the position on land untenable.

Delbrück and Meyer agree in urging on general principles that such a position as that at Thermopylæ can always be turned sooner or later. Both mention the road from Malis into Doris as a possible route by which the turning movement might have been made. In controverting Delbrück's statement of the case, Mr. Grundy adduces real grounds against the assumption that this road existed in ancient times but fails entirely to meet the main point,—the force of which, for instance, the Mexicans at Cerro Gordo and the Confederates at Rich Mountain found out to their cost. He emphasizes the connection between the Greek positions at Artemisium and Thermopylæ, ascribing to them, however, co-ordinate importance, but he ignores Bury's article in the *Annual of the British School at Athens* for 1895-1896 to which Meyer, in discussing the same question, has acknowledged his indebtedness. It is curious to note further that, while acknowledgment is made of another article of Bury's—year and volume not given (p. 389)—the explanation of the Scythian expedition suggested by the same scholar in the *Classical Review* for

July 1897 is mentioned as "a theory which has recently been put forward," without further identification. It is difficult to account for this haphazard method of reference. Often enough Mr. Grundy shows his capacity to learn, if he will, from others. Thus, in the chapter on Salamis he accepts, with ample recognition, Professor Goodwin's view as to the Persian position—that it was outside, not inside the entrance to the strait—and repeats the arguments on which it was based, reinforcing them by observations of his own. He finds it impossible, however, to reconcile this with the account given by Herodotus and offers an ingenious explanation of the latter's mistake; but he neglects to tell us of the manner in which Goodwin so interpreted the crucial passage in Herodotus as to bring it into harmony with the testimony of Æschylus and the nature of the scene of action.

After all that has been said in criticism of Mr. Grundy's method, it is only fair to repeat that large parts of his book possess permanent value. His chapter on Plataea especially will repay careful study. It is to be hoped that he will carry out his purpose to deal in another volume with the remaining campaigns of the fourth century, but no less to be desired that, in expressing his opinion of the strategy of Pericles and the authority of Thucydides, he will not overlook two books which have appeared since his first one was written. One of these is the first volume of Delbrück's *Geschichte der Kriegskunst* and the other is the fourth volume of Meyer's *Geschichte des Altertums*.

H. A. SILL.

Geschichte des hellenistischen Zeitalters. Von JULIUS KAERST. Erster Band. Die Grundlegung des Hellenismus. (Leipzig: B. G. Teubner. 1901. Pp. x, 433.)

THE author has for some years been favorably known as a critical student of the sources for the history of Alexander, and his articles in historical and philological periodicals have roused expectation of some such general historical work as that of which the first volume is now before the world. "Ich habe mir die Aufgabe gestellt," he explains in his preface (p. iv), "die Umwandlung des in den engen Grenzen der Polis sich darstellenden Staates in die umfassenden politischen Gestaltungen der hellenistischen Zeit und der in der hellenischen Polis erwachsenen Kultur in die hellenistischen Weltkultur nachzuweisen und das Wesen dieser neuen universalen Bildungen, die treibenden Kräfte, die wichtigsten Entwicklungstendenzen derselben darzulegen."

The first volume is exclusively devoted to the political philosophy of the evolution of Alexander's world-sovereignty. Of the economical, social, artistic and religious aspects of the Hellenistic as contrasted with the Hellenic period, subsequent volumes will doubtless treat. For a history of the period "grossen Stiles," we must still go to Droysen; for detailed pragmatic history, with exhaustive apparatus, to Niese. Of the first predecessor in the field, the author speaks everywhere with due apprecia-

tion ; of the second no mention whatever is made in the preface, and none in the main text of the work. Less than a dozen references to him in the foot-notes are without exception controversial and even deprecatory, though neither in this nor in any other case is the author's controversial procedure virulent or undignified. With Hogarth's recent book the author shows a slight acquaintance, and honors it with a somewhat disdainful reference.

The main tendencies of the work are perfectly clear. Toward our tradition of the histories of Philip and Alexander of Macedon, the author takes a distinctly conservative position, and the kernel of historical truth within the husk of romantic accretion is, as a rule, carefully sought. There is refreshingly little of the arbitrary subjective pronunciamiento so prevalent in much recent work on ancient history among the Germans. Toward the personalities of Philip and Alexander the attitude is consistently favorable, not to say apologetic, and yet admiration and praise are never allowed to escape the most perfect control. Dignity even to heaviness characterizes the whole work ; plan and method are noble and sedate. Military details and attractive anecdotes obscure in wonderfully slight degree the main political thread of the argument. Alexander's siege of Tyre is disposed of in less than two pages ; his capture of the Aornos fastness in a brief sentence, and as a result of this self-control, the conception of the Greek *Polis*, with which the volume opens, is given a truly artistic contrast to that of Alexander's world-swaying personality, with which the volume closes.

The Battle of Chæroneia decided the claims of city-state and monarchical supremacy to the leadership of Hellas. The Athenian city-state, during its leadership, had slowly lost sight of the national, Pan-Hellenic idea, in attempting to satisfy the local and social demands of its sovereign democracy. Sparta and Thebes, during their leaderships, had been unable to triumph over city-state exclusiveness and achieve a general Pan-Hellenic symmarchy. Persia had become the chief power in Hellas. Meanwhile, in spiritual, economical and political life, the technical superiority of the gifted individual was seeking and obtaining scope for itself. The Socratic doctrine of "knowledge" favored the conception and realization of a technically skilled bureaucracy and a technically qualified individual leader of the state. The Macedonian monarchy, as developed by Philip II., and as enlarged by Alexander, furnished both individual leader and trained bureaucracy. Philip II. won for this political system the leadership of Hellas.

The Macedonians were a distinct folk from the Hellenes, but nearly related to them, more nearly than any of their neighbors were, or than they were to any of their neighbors. The royal line were of genuine Macedonian stock. Their pure Hellenic origin was a political fiction of great influence in the Hellenizing process which had been under way long before Philip II., but which was not complete till the time of Perseus. The Macedonian monarchy, with its elastic principles of folk and territorial unity, contrasts fully with the city-state's separation and

exclusiveness. Philip II. based it more broadly than ever on the people, at the expense of the nobility. The vigor of the monarchy in Hellas had been appropriated by laws and constitutions until monarchy had become a mythical memory. But when new intellectual and social currents brought the monarchical ideal again into prominence, lo! the court of an Archelaüs could attract a Euripides. The monarchical folk of Macedonia had developed a political system which was to wrest to itself the leadership of Hellas and show itself capable of swaying the inhabited world.

Demosthenes was champion of the *Polis*, as a sovereign political system; Philip of the democratic monarchy. Demosthenes led a pathetic, but not a Pan-Hellenic struggle. The Macedonian monarchy was a better spreader of Hellenic culture than the isolating city-state colonial system; but the culture was the peculiar product of the city-state principle. The Macedonian Empire at last achieved what Pericles attempted in vain.

Philip's conquest of the leadership of Hellas was primarily in the interests of Macedonia rather than of Hellas; then such a humiliation of Persia, the deposed Great Power of Hellas, as was consistent with a monarchy based on the Macedonian folk and culminating in the leadership of Hellas, doubtless lay in Philip's plans. Even the retaliatory idea in Persian punishment was not too romantic for a monarch who had posed as a champion of Apollo! The creation and the development of the Corinthian national Assembly was Philip's greatest Hellenic service. This was an instrument of wonderful scope and power. It marked, not the end of Hellenic freedom, but the consummation of Hellenic unity.

Over against the organic unity of the Macedonian monarchy under Philip is set, by way of contrast, the vast aggregation of the Persian Empire under Darius III., with its disintegrating tendencies in active operation notwithstanding the unifying cruelties of Assyria. From Philip's idea of humiliating this Great Power, and deposing it from supremacy in Hellenic politics by the concerted efforts of all Hellas under Macedonian leadership, Alexander passed by successive steps to the ideas of conquest and sway of the Persian Empire, conquest and sway of the East, conquest and sway of the world. He early freed himself, even at great loss in efficiency, from dependence on the Corinthian Assembly, and therefore from his father's narrower plans, and from exclusively Macedonian policies. His delay in pursuing Darius after the defeat at Issus, in order to conquer Egypt and secure the divine sanction of Ammon, indicates the inception in his mind of the idea of world-empire.

With the defeat of Agis at Megalopolis by Antipater, in 331, the powers and influence of the Corinthian Assembly practically ceased, and, at the death of Darius, Alexander assumed the Persian monarch's heritage. A Macedonian successor of the Achæmenids now exercised their domination in Hellenic matters, but the Macedonian folk-army, the national foundation for the successes of Philip and Alexander, underwent modification. The jealousies and hates arising in the process were curbed with savage and even faithless cruelty. There is ample political

apology for the deaths of Parmenio, Kleitos and Kallisthenes. The heritage of policy from Philip was ruthlessly discarded by Alexander during the very struggles in the heart of Iran (329-327 B. C.) whose success best attests the consummate wisdom and workmanship of Philip. The Macedonian folk-army won their victories only to lose their national monarchy. But Alexander had not deteriorated with his enormous successes—the popular error; he had risen to and adopted a world-policy which demanded the creation by assimilation of a world-folk.

The Indian expedition, long contemplated and prepared, was part of this world-policy, not merely the completion of a task left incomplete by Persia. And it was the physical and moral exhaustion of his new, conglomerate army, not rebellion against his world-policy, which stayed Alexander's progress eastward. He returned to establish a world-capital, to complete and organize his world-empire and above all to make the ocean his vassal and minister. Divine honors for the central and dominating personality in this world-empire were part of his policy, and no confines to that empire except those of the world itself were allowed. Macedonia and Hellas alike were politically sacrificed to this culminating vision of the greatest wielder of the destinies of the ancient world.

Such are the leading thoughts and tendencies of this able book. Following the lead of a seductive political philosophy, and ignoring the exaggerations of romantic tradition, it sets both Philip and Alexander on higher pedestals in the hall of fame than romantic tradition ever claimed for them.

B. PERRIN.

The Ancient Catholic Church, from the Accession of Trajan to the Fourth General Council (A. D. 98-451). By ROBERT RAINY, D.D., Principal of New College, Edinburgh. [The International Theological Library.] (New York: Charles Scribner's Sons. 1902. Pp. xii, 539.)

THE editors of the "International Theological Library" have entrusted two volumes of the church history in their series to the venerable Dr. Rainy, of Edinburgh, his subject being Catholicism. The first of these lies before us. It comes down to the council of Chalcedon, A. D. 451. The second volume will cover the period of later catholicism, by which the author understands the history of the Church to Gregory I., or perhaps to Charlemagne, although his plan is to carry the narrative over two or three centuries more,—a "transition period,"—to Hildebrand. We may assume, no doubt, that in the present volume we have the facts which forty years' experience in teaching church history have convinced Dr. Rainy are most important for students of this period to know.

The book is divided into three parts: (1) to the close of the reign of Marcus Aurelius, (2) to the toleration edict of 313, (3) to the Fourth Council. The reasonableness of the first of these epochs is less obvious than that of the second. Why should a church historian select "the accession of Trajan," or of any other emperor to mark a turning point in

his narrative? For him to borrow epochs from political history is as unscientific as it would be for an historian of politics to make a dividing line out of the Monophysite controversy, or for a writer on economic history to date a period from the publication of *Paradise Lost*. It is a pity that every ecclesiastical historian, before attempting to map out his chronology, does not read, mark and inwardly digest Baur's *Epochen der kirchlichen Geschichtschreibung*. He might not accept Baur's periods, but he would at least be impressed with the necessity of having ecclesiastical affairs control his whole chronological scheme.

Dr. Rainy distributes his materials under comparatively few and simple rubrics, such as "Environment," "Church Life," "Beliefs and Sacraments," "Heresies," "Worship," the "Clergy," "Discipline and Schism," "Monasticism," and "Ecclesiastical Personages." Relatively greater space is devoted to matters of doctrine than to the institutional side of the history (*e. g.*, church organization, government, law and ritual). Almost half the total number of chapters discuss doctrine, heresy and schism. The geographical extension of Christianity receives little attention. But in this distribution of emphasis our author simply follows the example of most Protestant historians before him. Dr. Rainy's style is clear and straightforward. Details are kept in the background, and the main features of the history are made to stand out prominently. The chapter on Gnosticism may serve as an example of excellent historical exposition, well conceived and well carried out (pp. 94-119). And there are others as good. The author is on the whole fair-minded, and does not obtrude his theological prejudices upon his readers. His candor enables him to deal with vexed questions with a more even-handed justice than one often finds in similar works.

On the other hand, there are disappointing features in the book. We are obliged to look in several different places for information on some subjects whose treatment should be unified. Take for instance the Paschal controversy. Why must we turn from p. 81 ff. to p. 236 ff., before we discover all that Dr. Rainy wishes to tell us about it? Or in reading of the *libellatici*, why must we pass from p. 15, where they do not belong, to p. 142 ff., where they do belong but are hardly mentioned, and from there to p. 191,—and after all fail to find any description of the ancient *libelli*, from the Decian persecution, which have recently been discovered? Among the more striking cases of insufficient treatment, we mention the early history of the British Church, the general change from primitive to Catholic Christianity, the growth of the New Testament canon, and the development of the Roman primacy.

A few errors have crept into the book. What evidence is there that baptizing in the name of Christ alone was "always rather questionable" (p. 75)? If Papias is "usually placed about A.D. 145-160" (p. 60), we confess never to have heard of it. Papias's work entitled *Interpretations* contained five books, not "four" (*ibid.*). Cyprian's death is placed three years too late (p. 197). Apollonius of Tyana seems, in one passage (p. 155, n. 2), to be regarded as a contemporary of Plotinus,

but in another we are more accurately informed (p. 283). Rufinus's Latin versions of Origen's works are euphemistically called "translations" (p. 501). It is unfair to Cyprian, if to no others, to assert that all which was greatest in Christian literature down to the year 313 had been written before the year 230 (p. 157). There is carelessness in citing titles: *e. g.*, Irenæus is credited with having written a "*Refutatio*" (p. 112), and Tertullian's work *De testimonio animæ* has received the gratuitous addition of "*naturaliter christianæ*" (p. 187).

We have noted the following typographical errors: P. 3, for Neumann's "*Römische Staat*" read *Römischer Staat*. P. 51 (twice) for "Funck" read Funk. P. 157, for Celsus's *Ἀληθὺς Λόγος* read Ἀληθὺς Λόγος. P. 161, for Origen's *Περὶ Ἀρχῶν* read *Περὶ Ἀρχῶν*. P. 118, for metaphysical "identities" read entities.

The attempts at bibliography form the worst feature of the book. Very few of them are up to date. At the head of each chapter references to the literature are meager, and resort is had to the inconvenient device of a bibliographical appendix (added at the instigation of the editors?), which is also very unsatisfactory. Chapter XIX., on "The Clergy," refers to only two authorities; one is Bingham, the other still older. For information on "Objects of Worship" (p. 451) we are referred to nothing more recent than 1755! But it is only fair to Dr. Rainy to add that his own history is much more up to date than his literary references.

This book illustrates the disadvantages which inhere in the production of a "series." Drs. Briggs and Salmond started out to give the world a modern and scholarly theological library. But it appears to have been impossible to secure uniform merit in all parts of the series. It would have been a notable achievement indeed if all the volumes could have reached the high level of Driver's *Introduction to the Literature of the Old Testament*, or McGiffert's *History of Christianity in the Apostolic Age*.

JOHN WINTHROP PLATNER.

Life and Letters in the Fourth Century. By TERROT REAVELEY GLOVER, M.A. (Cambridge: The University Press; New York: The Macmillan Co. 1901. Pp. xvi, 398.)

Books like this go far toward withstanding the anti-classical tendency of modern education. It is an encouraging sign of the power which Greek and Roman culture still possess that we should have Comparetti's great work, and that it should be followed by such books as Dill's *Roman Society*, Taylor's *Classical Heritage of the Middle Ages*, and the work before us,—to mention no others. To be sure, none of these books deals directly with the classical period. Yet through the history and literature of the early Middle Ages through knowledge of its social life, and through observation of the working even of the decadent classical spirit, we may learn to seek the fountain-head, whence these streams flowed. So we are grateful to Professor Glover, and the rest, for their leadership

in this educational circuit. We enjoy tarrying with them by the way, for they offer us pleasant fruits, if not the apples of the Hesperides or the honey of Hymettus, and from them we derive needed refreshment for our inevitable journey through certain barren stretches of the modern world.

Mr. Glover's book is made up of historical and literary essays. The author truly says of the fourth century that its literature is hardly known to-day, even to educated men. By "reading across the period" he hopes to show that it is not without vitality and interest, and we may say, once for all, that he succeeds. The writers discussed include Ammianus Marcellinus, Julian, Quintus of Smyrna, Ausonius, Symmachus, Macrobius, Augustine, Claudian, Prudentius, Sulpicius Severus, Palladas and Synesius. If the treatment of a few of these seems to lack freshness, it is not because the author is not independent, but because other scholars have recently traversed the same ground. It is hard to say much that is new about Julian, interesting as that emperor undeniably is. Dill has, if anything, overemphasized the history of Symmachus. Harnack's admirable pamphlet on Augustine's *Confessions* leaves little more to be said on that subject. But no one can read Mr. Glover's charming account of Ausonius, or of Synesius, without wishing to know them better. The chapters on "Women Pilgrims" and "Greek and Early Christian Novels" will open a new field to those not already familiar with the history of the early Church. As for Quintus of Smyrna, Macrobius and Palladas, they may be said to have needed this re-introduction to the modern world.

It is no reflection upon Mr. Glover's learning to say that the essays are not always critical. He does not write wholly, or even mainly, for experts, but addresses the more general audience of cultivated men and women everywhere. Accordingly he writes, not with the technicalities of criticism, but with insight and fairness, with sympathy and appreciation. In the general history of the period he follows Boissier, making frequent appeal also to Seeck. On the patristic side his authorities are not so good. We have noticed an occasional slip with reference to the Church, but mostly on controverted points, where difference of opinion is pardonable. The reviewer thinks it entirely inadequate to say that the episcopate grew out of the presidency of Roman (Christian) burial associations (p. 16). A perusal of Conybeare's book entitled *Philo about the Contemplative Life* ought to have convinced Mr. Glover that Philo did write that work after all (p. 360). The *Life of Antony* may very well be from Athanasius's pen, in spite of Weingarten's effort to reclaim it "for its anonymous author" (p. 386).

Our author's English style is on the whole unusually good, so that his occasional lapses into carelessness are all the more surprising. We struggle in vain to disentangle the mixed metaphor, when we read that "sudden wealth joined forces with a flippant scepticism to sap the Roman character" (p. 4); and we wonder whether it was Hibernian humor which made Mr. Glover say that the plague "contributed to the depopulation" of the empire (p. 8). We like better to call attention to his

fine metrical translation of Prudentius's description of heaven and hell (p. 259), which shows him to be possessed of no mean literary gifts. On the whole the book is to be distinctly commended.

JOHN WINTHROP PLATNER.

*Kulturgeschichte der Neuzeit. Vergleichende Entwicklungs-
geschichte der führenden Völker Europas und ihres sozialen und
geistigen Lebens. Von KURT BREYSIG. Zweiter Band. Alter-
thum und Mittelalter als Vorstufen der Neuzeit. Zweiter Hälfte.
(Berlin: Georg Bondi. 1902. Pp. xxxix, 519-1443.)*

A BOOK with the title of *Kulturgeschichte* comes ill-recommended to American readers. The German word *Kulturgeschichte* is about equivalent to kaleidoscope. A book appears with a number of interesting facts arranged in the frame of some theory, the next book shows the same facts broken up in new combinations; the pictures are brilliant, the books are easy reading, but the increase of knowledge with the turn of the kaleidoscope is desperately small. There are honorable exceptions to this, Lippert's book, for instance, and among the exceptions the present volume by Breysig will take its place. The author is known already to the stricter class of historians by his work on the history of Brandenburg. While he has devoted to the history of the Brandenburg finances and estates the painstaking care in investigation and the sober exposition which those subjects demanded he has taken the opportunity in his lectures at the University of Berlin to develop his gift for generalization in the line of sociology and the philosophy of history, and he presents in this essay the product of a combination of philosopher and historian. It is proper and necessary, as he has said elsewhere, for historians to pause sometimes in their accumulation of details, and to take stock in general terms of the advances that they have made; he has set himself to this task in the present work, of which the first volume appeared in 1900, and which will require a number of volumes yet for its completion.

The volume under review, covering the Middle Ages to the thirteenth century falls into two parts, of which the first is devoted to the rise of Christianity. This topic, more important, as Breysig says, than all others in the spiritual development of mankind, has already been worked up so thoroughly that he has wisely restricted his treatment of it to less than two hundred pages. In that compass he describes, in a rationalistic but thoroughly sympathetic tone, the development of the Christian dogma and the Church, and gives an appreciation of the significance of Christianity to civilization. Breysig treats the religion almost entirely from the standpoint of social, not personal, humanity, and from that standpoint finds the effect of Christ's teachings to have been, in briefest terms, an elevation of the individual, but the repression of personality (p. 602). "Jesus' Religion war aller geistigen, politischen und materiellen Kultur abgeneigt" (p. 587).

The bulk of the volume treats of the Germanic peoples from the time of the migrations through the transition period of the Middle Ages. Some of the sections are characteristic of the old style "history of civilization," discussing topics in literature and science, art and religion, passing from concrete descriptions of individual poems and buildings to broad and vague statements of the relations between the subjects considered, hovering always between the danger of saying something unimportant and the danger of saying something untrue. I will cite only one example of the perils which the author has not always escaped, taken from his discussion of the relation of the papacy to the crusades (pp. 864-865). The first and fourth Crusades, he says, were those most influenced by the Church; it is "characteristic" and furnishes a "vivid proof" of the leadership of the papacy, that both of these Crusades resulted in the foundation of international colonies in the east. Surely it would be hard to distort more completely the significance of the fourth Crusade, and the parts played in it by the papacy and by Venice.

A large part of the book, however, a part to which the reader refers with increasing pleasure and profit, is of a very different kind; the statements are exact, they are thoroughly organized, and they furnish comparisons and conclusions which will be of the greatest assistance to students seeking acquaintance with the broader lines of European political development. This part may be called a comparative constitutional history. Those who followed Breysig's articles in Schmoller's *Jahrbuch* from 1896 on, will find the methods which he applied there so successfully to the period since the Reformation applied now to the early Middle Ages. The organization of Germany, France, England, Italy, the Spanish and Scandinavian states and the Netherlands, is described in terms applicable to all the countries: terms of economic organization in agriculture, commerce and industry; terms of social-political organization, peasant, noble, burgher. Never before has there been brought out so clearly the general similarity in the institutions of the peoples of western Europe, a similarity which stimulates both by likeness and by contrast, and which gives new meaning to the old facts of history. The main features of political and economic organization are suited to a much broader treatment than that which they have generally received, and Breysig shows in handling them an admirable judgment in avoiding insignificance either of detail or of generalization. He has a wholesome distrust of the abstract theories which would distribute influences among the economic, social and political factors in history, and decides each case according to the facts; he grants the decisive influence of an economic factor in one case (rise of the city classes), and denies it in another (rise of the nobility). As the source of his information he is forced of necessity to rely almost entirely on secondary authorities, but he draws them from a wide range and selects them with discrimination.

Breysig calls his book a *Versuch*, and even the part of it to which I have just referred, the most definite and substantial of the book, can be regarded only as a stepping-stone to fuller knowledge. The time was

ripe, however, for such a work, and the work is worthy of the time; students of constitutional history will find no book more helpful in stimulating them to broader views. A feature which will increase its usefulness is a very full table of contents.

CLIVE DAY.

The Early History of Venice. From the Foundation to the Conquest of Constantinople, A. D. 1204. By F. C. HODGSON. (London: George Allen. 1901. Pp. xx, 473.)

MR. HODGSON'S volume aims at presenting the history of Venice on a scale larger than that employed by Mr. Horatio F. Brown, and smaller than Mr. W. C. Hazlitt's. A comparison of his work with theirs shows that it fills a field which theirs do not, and has, accordingly, a sufficient reason for being. Mr. Brown's plan precluded elaboration. Mr. Hazlitt is elaborate even to diffuseness, and in spite of all his immense knowledge of Venetian history and life, this diffuseness, coupled with a ponderous style, becomes at times wearisome. Mr. Hodgson, on the other hand, devotes much space to a critical analysis of his material without wholly exhausting the reader's patience. At his best, he is never so vivid as Mr. Hazlitt's best passages but his average is more satisfactory.

Mr. Hodgson differs from both Mr. Brown and Mr. Hazlitt in having made larger use than they of recent German material, and perhaps it is on this account that he inclines to accept their interpretation of some of the moot questions in early Venetian history. Chief among these questions is the determining of the exact relations of Venice to Byzantium during the first four centuries of the Republic's existence. Venetian historians have minimized the dependence; Mr. Hodgson, in common with Gfrörer, and, it should be added, with many earlier writers, seems to regard the dependence as so pressing that we must suppose that the early doges were Byzantine officers. The advocates of this view lay much stress on the facts that several of the doges held the title "*Hypatos*" from the Eastern Emperor, and that "*Magister Militum*" was "the title of a high functionary in the Byzantine Empire," as well as in Venice in the eighth century. But in the absence of final proof, which has not yet been produced, I believe that the other view is preferable. The key to Venetian history down to the twelfth century is the adroitness with which the statesmen of the Lagoons steered their safe course between the Western Empire and the Eastern, always siding, in case of danger, with the more remote. That the Byzantine influence was great, cannot be disputed, but it never, so far as I recall, took the form of political dictation. If Venice had actually been a Byzantine dependency, it is incredible that from 460 to 1160 we should have no record of an attempt to set up imperial governors, or to exert active imperial authority in the Venetian community. Titles, of themselves, prove little, and it is certain that the Venetians rendered lip-service to the Frankish emperors as compliantly as to the Greek: they rendered lip-service, and then went on their own political road undisturbed.

But to criticise a single point is hardly just, unless the critic has much space at his command. Even readers who are well-informed on Venetian history, will find throughout Mr. Hodgson's book so careful an analysis of material that it will be worth their while to consult it. He has evidently studied the sources at first hand, and not merely the early chronicles, but also the philologists, Ducange and Diez, for the light they can throw on the early medieval customs and titles. He has studied carefully minute details of geography, on a knowledge of which the solution of many problems depends. He is least satisfactory in failing to give from time to time illuminating summaries of the course of events, and in missing legitimate opportunities for vivid description. The meeting of Pope Alexander III. and Frederick Barbarossa at Venice, for instance, was one of the transcendent episodes in medieval history; to describe it in the colorless language which might suit the minutes of a missionary society meeting, betrays either unusual insensibility or timidity on the part of the historian. Probably Mr. Hodgson was afraid to let himself go, lest by being fervent he might be suspected of inaccuracy. But surely that is a false view of writing history which forbids one to treat great events greatly, and which hopes to attain to a specious veracity by using the same language and the same scale for great and small.

Mr. Hodgson's last chapter, in which he tells the story of the fourth Crusade, is the most interesting, perhaps because he wisely gains vividness by frequent reference to the delightful old Villehardouin. He also discusses fully the charge that the Venetians, in diverting the Crusade, acted in bad faith. He keeps his judgment clear amid the ethical tangle in which Innocent III. involved the crusaders. An appendix contains an excursus on the sources for the history of the fourth Crusade.

To sum up: Mr. Hodgson's success has been sufficient in this volume to warrant his going forward and completing the history. Painstaking and fairness are indispensable foundations to any historical work; if to these he will add enthusiasm, a more effective style, and a full recognition that the men who made history were once really alive, his later volumes will be better than his first. He provides a good index, but his single page of *errata* does not give half of them. English scholars seem to be congenitally indifferent to the spelling of foreign words.

WILLIAM ROSCOE THAYER.

A Short History of Germany. By ERNEST F. HENDERSON. (New York: The Macmillan Company. 1902. Two vols., pp. x, 517; vii, 471.)

IN the delightful *Letters* of the historian Green, there are repeated passages in which the author tries to distinguish between his own conceptions and methods and those of what he calls the pragmatic historians of the German school. The expression is a good one and can be applied in its full validity to the present work. Mr. Henderson has given us a pragmatic history. Indeed it would be curious if a man who bears the manifest hall-mark of the German seminar, who shows the widest

acquaintance with German historical resources and a profound sympathy with German ways of thought, who, in a word, has been admitted into the German house upon an intimate footing, it would be curious, I say, if the confirmed habits and established environment of such a man did not proclaim themselves in the lineaments of his work. But I hasten to add that the pragmatic method and the general German derivation of these volumes imply no surrender of his racial personality on the author's part. If the pragmatic note is largely the consequence of the too exclusive ideal of correctness, and if this ideal may, in summary terms, be declared to be the goal of German *Wissenschaft*, it must be granted on the other hand that Mr. Henderson has not forgotten that the literary or humanistic ideal, for which Green, for example, in his above-mentioned letters contends, has still a strong hold upon the cultured world, and in a book like this, intended not merely for university consumption, must imperatively be represented. The solid and scientific character of the book will be found to be preserved from anything like the heaviness, which is associated with so many otherwise excellent German works, by a certain mental vivacity, which never flags and which gives to each paragraph an inner sparkle and to the whole story something at least of its necessary epic movement.

It is not apparent why a work, embracing two very stout volumes, should be denominated a "Short History," except to convey the obvious information that there have been omissions, and to afford the author a shelter against criticisms on that score. It hardly seems necessary for Mr. Henderson to have adopted that device, but his having done so brings before us that he must have been considerably troubled about the question of what material he would introduce within his given frame, embarrassed as he was by a wilderness of riches. And this question, which is a question of proportions, is indeed in every general work an all-important one. The author solved it finally by conceiving of the history of Germany as a stream, which swells by constant and regular stages to a mighty river, and becomes important in measure as it approaches its mouth. In consequence, to the whole medieval period is devoted no more than about one half of the first volume, while the second volume is to all intents and purposes a history of Prussia in the eighteenth and nineteenth centuries. Obviously this theory and its results are open to criticism, but it must be acknowledged that the author has kept his prime conception consistently before him and carried through its application with much skill. Still, whether owing to this preconceived plan or not, there are omissions which leave a keen regret, and with all due respect to the author's freedom to define his own task, cannot easily be justified. I do not of course speak of the hundreds of details about which every one has his own notions and preferences, and regards as petty or essential according to his philosophy and temperament; I refer to the very slight treatment which the author accords the matter of German civilization—to *Kulturgeschichte*, and to the oblivion or at least neglect, to which he condemns the constitutional history of the country. Thus though the

paragraphs on the periods of the Hohenstaufen and the Reformation may still pass muster as partial pictures of the life of these two great epochs, the total absence of the eighteenth century revival, by which were laid the foundations of the modern science, and as many think of the modern power of Germany, must be felt as a painful gap; and in the matter of the constitution of the Holy Roman Empire the great stages in its evolution can hardly be said to be discussed with the requisite incisiveness. The stem duchies are passed over; not a word will be found on the immensely important culmination of what German writers call the *Lehnstaat* under Frederick Barbarossa; and if the development of the Prussian administration and the reforms of Stein inspire the author to some of his most vigorous pages, this pleasant gift is offset by his refusal to give us anything like an adequate analysis of the present German constitution and of its fate since 1871. Perhaps it is correct to explain such omissions by the resolutely pragmatic character of the work. The author deals with events, that is, with the dynamic element of history, and has no time to interrupt the march of politics with legal, constitutional, or philosophical reflections. Even his many pen-portraits of great men exhibit this predilection. They never fail to contain weighty matter, being the product of a method which has gone straight to the sources, but though they are uniformly excellent readings of the subject's mind, they are deficient in color and play of light, qualities which come from looking at a subject in a variety of ways.

New and startling views are not characteristic of this work. With unflagging industry the author has assimilated a vast material, with ripe judgment he has weighed it. The result is a whole enveloped in an atmosphere of dignity and authority. One could differ as to numberless details. The author is very severe upon Philip of Hesse, Luther's landgrave; he ascribes the burning of Magdeburg without question to its inhabitants; his association of Frederick the Great's *Histoire de mon Temps* with Cæsar's literary work would indicate that he has only the school-boy's irritated recollection of the Gallic War; he does the French Assembly scant justice in reviewing its motives for declaring the war of 1792. In every chapter the specialist of that field could find some phrase that might advantageously be altered, a judgment that has neglected some points of evidence; and from first to last a carping reviewer might object that the author is plainly prejudiced in favor of his subject. But in this connection Mr. Henderson, perhaps, remembered the wise word of Goethe, to the effect that only he who writes of a matter with favorable bias can hope to bring forth anything of profit.

In conclusion, to say that Mr. Henderson has given us the best history of Germany in the English language is no great praise. The open-minded reader will feel no desire to express his opinion so ambiguously. He will be constrained to acknowledge that this work need not fear the comparison with German works of similar scope, and that its erudition, liveliness, and sympathetic tone are calculated to insure its success with both the university and the general public.

FERDINAND SCHWILL.

The French People. By ARTHUR HASSALL. [The Great Peoples Series.] (New York: D. Appleton and Co. 1901. Pp. xii, 400.)

THE history of the French, according to the main argument of this book, is the history of centralization in government. Though composed of race elements which were somewhat discordant, divided into separate states for many centuries, and into hostile creeds for generations more, the people of France have steadily worked toward a compact union under strong rulers. This goal was at first reached under a monarchy, and the nation attained its harmonious development under Louis XIV. But the incapacity of the royal financiers, and the unjust levies of taxes paved the way for the French Revolution. Napoleon brought order out of confusion, established equality of citizenship before the state treasury, and founded an administration, which has survived the political disturbances of a hundred years, and which seems destined to last. The growth of the trades classes and artisans, and the influence of the Church were also important factors in bringing about royal supremacy. Territorial feudalism had practically disappeared by the thirteenth century, but was soon replaced by the feudalism of appanage. Agincourt, with its slaughter of nobles, and Joan of Arc, with her appeal to patriotism, saved the King, and Louis XI. made his position secure. Freed from danger at home, with a united nation behind it, the royal court turned its attention towards foreign conquests, and with the exception of the generation of the religious wars and the regencies of the seventeenth century, European politics and plans of colonial aggrandizement occupied the thoughts of the French until the advent of Louis XVI. Napoleon inherited a part of this tradition and aimed at a world-empire. Since Waterloo colonization has seemed the more feasible, though the present republic is not at all unmindful of foreign alliances.

The longest chapter (pp. 309-362) is devoted to a history of the foreign relations of France. In spite of the decay of the aristocracy and the alliance of the king and people, "of all European nations, France has been the most willing to sacrifice constitutional progress for military glory" (p. 309). Foreign affairs would also appear to possess unusual interest for the author. At least, this is the only part of his narrative which deals with minutiae, witness the short monograph (pp. 334-354) on the affair of Nootka Sound in 1790.

As the purpose of the book is to show the development of French society in its broader lines, but little attention is paid to current happenings, and dates are few. The pressure of material is so great as to affect the author's style at times, especially in the earlier chapters. These read more like lectures, with repetitions of phrases and a confused presentation. The proof-reading has been hurried and perhaps not done by the writer himself. Notice attached (p. 9), 446 (p. 15), Sancourt (p. 50), the Sorbonne founded in 1202 (p. 99), Henry III. (p. 146) *sacred* (p. 196, sixth line), *prévant* (p. 228), *provincial* government (p.

271, third line from end), and the dates for the various publications of the Romantic School (pp. 255-261). Certain statements are obscure. Thibaut (Theobald p. 70) of Champagne (p. 83) fought under Louis VIII., not under Simon de Montfort, as the order of events would indicate; Lafayette is *for* war with England (p. 344), and apparently *against* it (p. 356). Lamartine's *Jocelyn* (p. 260) is spoken of as prose, Hugo's *Han d'Islande* (l. c.) is made its contemporary, and George Sand (l. c.) is said to be a follower of Chateaubriand (not Châteaubriand—see index). The compliments paid to the École des Chartes (pp. 372, 373) seem, from the allusion to natural science, intended for the École des Hautes Études. As the subject of the volume is the "French People," the sentence devoted to the poetry of Richard the Pilgrim (not preserved in its original form) and the crusade songs of William IX. (lost), on page 76, might be fittingly expanded into a paragraph on the relation of the national epic of France to the popular enthusiasm for the conquest of the Holy Land. But, these are slight blemishes in a work which is both strong and suggestive.

The bibliography is well chosen and the index full and correct.

F. M. WARREN.

The Two First Centuries of Florentine History: the Republic and Parties at the Time of Dante. By PROFESSOR PASQUALE VILLARI. Translated by LINDA VILLARI. (New York: Charles Scribner's Sons. 1901. Pp. xii, 576.)

PROFESSOR VILLARI'S history of Florence is a volume of nearly six hundred pages, made up for the most part of papers contributed to the *Nuova Antologia*, collected in 1895, and now given to the English-reading public. It is the result of a careful study of Florentine documents, critically applied to the statements of Villani and other early historians. The diction has the same characteristics of clearness and directness which have made the *Machiavelli* and the *Savonarola* so attractive; a Latin diction, refreshing after the kitchen-midden style of German composition. The translation is good, as might be expected from the experience of the translator, with here and there a reversion to the Italian idiom, as in the frequent use of "the which" for introducing relative clauses. The word "arisa" (p. 35 "the arisa of the communes") has an unfamiliar look. The book is plentifully supplied with illustrations, many of them reproductions of architectural remains of the Roman period.

Investigating the origins of Florence, as the community arose from the disastrous experiences of the Langobard invasion, Professor Villari seeks to steer a middle course between the chauvinistic conclusions of the German and the Latin schools. His judgment, however, and, perhaps, his sympathies reject the idea that the essential elements of reorganization are likely to have been contributed by the invaders. Why say, he suggests, that the Langobard invasion originated the new life following in Italy any more than that the French invasion of Napoleon, when the

French flag flew in every city in Germany, was responsible for the new Germanic impulse?

The main purpose of the author's labors, as stated in the introduction is, "to discover some leading thread through the mazes of Florentine history, which even when treated by great writers has often been found exceedingly involved and obscure." The early chroniclers were concerned with human passions and actions, and had little interest in the rise and growth of human institutions. They afford but little aid in determining such important events as the establishment of self-government in Florence. The documents themselves, in so far as they are at hand, are also inconclusive. The persistence of Roman terms over periods of important political change give an apparent similarity to institutions which are in reality widely divergent. The Florentine commune itself gives evidence of being well under way, when its independent character is first established from documentary evidence. This is due, in part at least, to the fact that the birth of the commune was unaccompanied with any great political upheaval. On the death of the Countess Matilda, in 1115, Tuscany was split into fragments by the dispute between Emperor and Pope. The fact that Henry IV. naturally leaned for support on the Germanic nobles of the *contado* threw the city into a position of hostility toward the imperial claims. Standing between the rival powers, too proud and too conscious of her strength to feel the need of subjecting herself to either, Florence found her advantage in independence. This implied no drastic change. The same *grandi*, who, under the mild rule of the Countess, had administered the affairs of the city in her name, continued to rule by the authority of the people, becoming consuls of the commune. In this manner a popular government was achieved with a minimum of change and invention. Popular choice, however, brought about a wider distribution of civic honors, and certain great clans, aggrieved at the loss of the monopoly of power they had enjoyed under the Countess, allied themselves to the imperial interests and brought about a division of the great families into Ghibellines and Guelphs, with the ensuing civil strife which forms the background of Dante's history.

Many other problems of early Florentine history are interestingly treated: the origin and rise of the Podestà; the repeated attempts to perfect the constitution; in Chapter VI. the rise of the wool-dyeing industry, and the subsequent development of weaving. That the Florentines should have been content for so long to import coarse "Frankish" stuffs from the looms of Flanders is due to the unfavorable attitude of the commune toward agriculture. The Italian wool, although extensively manufactured into coarse fabrics for domestic use, was of poor quality. No effort was made to improve the breed of sheep. Indeed, the laws and decrees relating to trade are full of good sense and foresight, while all concerning agriculture seem dictated by prejudice and jealousy. Chapter VII. is a study of the Florentine family in its relation to the state; Chapter VIII. treats of the judicial system; both institutions be-

ing carried through the late imperial, Langobard and republican times. The remaining two chapters deal with Dante and the social conditions of Florence in his day.

MERRICK WHITCOMB.

Mediæval Rome, from Hildebrand to Clement VIII., 1073-1600.

By WILLIAM MILLER. [The Story of the Nations Series.]

(New York : G. P. Putnam's Sons. 1902. Pp. xiii, 373.)

THE object of the book, as stated in the preface, is to furnish to people who have not time to read the longer works, as Gregorovius, a short* history of mediæval Rome, the author having especially in mind the numerous British and American visitors of that city. The work is based on the best secondary authorities, no claim to original research being made, except in so far as a thorough familiarity with modern Rome and other places alluded to in the text is concerned.

The extreme difficulty, perhaps impossibility, of giving a satisfactory brief popular account of Rome in the Middle Ages is here illustrated. The question immediately presents itself, what is to be done with the papacy. If we try to consider the city without the papacy its history during that time is, of all considerable Italian cities, the most petty and unprofitable. If we try to get an adequate understanding of papal history we are led far away from Rome, and our short history immediately expands to an impossible length. The present work tries to steer between these two alternatives by giving an account of those events in papal history that happened in or near Rome, and pretty thoroughly neglecting everything else. The result is in the last degree confusing. The uninformed reader can gain no intelligent notion whatever of the investiture contest or the conciliar movement of the fifteenth century, while the kidnapping of Gregory VII., the pageantry at the consecration of Innocent III., and the story of Djëm are given much space. Even a matter so locally important as the territorial policy of the popes is treated in no connected and coherent manner. The author is chary of generalizations ; we are given no guiding threads to follow ; he writes like a chronicler recording what has happened from pontificate to pontificate, rarely seeking to show the connection with what goes before and what follows except where there is some supposed resemblance or analogy to something extremely modern. We are left in what was presumably the state of mind of some naïve and rather ignorant contemporary who saw many striking and bloody happenings at Rome, but was much in the dark as to what it was all about. It is a sort of truncated papacy that is given us, where all the more important sources and results of action lie in the portion that has been cut off.

After the papacy, the matter receiving most attention is the history of external, material Rome ; to show how Rome as left by the emperors and early barbarians was modified, destroyed, or added to by popes or nobles during the mediæval period. Here is shown very full knowledge and careful study on the part of the author, but the practical use of the

book to the prospective visitor of Rome is much lessened by the way in which this material is presented, and perhaps has to be presented, the plan of the book remaining what it is. At the end of the account of each pope who left any important impress on Rome's external appearance is given a rather inchoate summary of the changes made throughout the city during his time. The fact that the buildings, streets, and monuments are not classified or grouped in any way, makes it extremely difficult to follow the history of any individual object; one would have to hunt through the whole book for it, and the index only very partially helps in this matter.

As to some minor matters, one feels at the conclusion of the book that many bloody and tragic details and accounts of ceremonial and pageantry might well have been omitted; they repeat themselves from pontificate to pontificate and century to century until one thoroughly tires of them, and there is a conviction that the author is underrating the calibre of his audience in giving them so much of this and so little intelligent interpretation and explanation. Also his very frequent allusions to present-day matters, brought in as if to enliven the subject and in language verging on the slangy or modern newspaper order but having no valid connection with the matter in hand, certainly add nothing to the force and clearness of the book and vitiate any dignity in its style.

A. B. WHITE.

Edward Plantagenet (Edward I.), the English Justinian or the Making of the Common Law. By EDWARD JENKS. (New York and London: G. P. Putnam's Sons. 1902. Pp. xxiv, 360.)

THIS volume sustains the high reputation already gained by the useful "Heroes of the Nations" series. The author apologizes "for the intrusion of a mere lawyer upon a scene so dominated by great historians," because he is unable to "understand how any one but a lawyer can possibly appreciate the true inwardness of Edward's reign." For "the Common Law which came into existence during his lifetime was, and is, the very picture of English national life, the concrete form into which the national spirit crystallizes with the moving centuries." Such an apology, it is to be hoped, will hereafter be unnecessary. Happily it is becoming pretty well recognized that a thorough treatment of institutional history implies a broad knowledge of law; just as an intimate acquaintance with the details of constitutional development is absolutely essential for a scientific study of jurisprudence. Indeed the most original and helpful parts of Mr. Jenks's book are those in which the great statutes of Edward's reign are analyzed and interpreted.

The first three chapters present a rapid but vigorous sketch of European history previous to the year 1250. Of these the first chapter, entitled "The Middle Ages in Europe," deals especially with the origin of feudalism and with the rise, decay, and revival of monastic institutions; the second, with the "Emergence of Modern Europe"; while the third draws a clear picture of "England in the Thirteenth Century," accent-

ing the economic and social conditions and explaining the meaning of the advent and influence of the friars of the order of St. Francis. The next three chapters give a concise history of Henry III.'s reign to the close of the Barons' War. Here the reader finds little with which he is not already familiar from the works of Stubbs and other writers, except that some new proofs and illustrations have been gleaned through an independent examination of the sources. The character and ability of Simon de Montfort are duly appreciated; and the crisis of 1258 is explained as mainly the result of the royal extravagance, the papal extortion, and the greed of the horde of foreign place hunters.

By far the most interesting portions of the book are the seventh, ninth and thirteenth chapters in which Edward's legislation and reformatory measures are discussed. The King's "first great act of home policy is significant. Two months had not elapsed since his return" from France after his father's death, "when he ordered a great enquiry into the feudal franchises." In England, feudalism had "shaped itself in conscious imitation of foreign models, and had aimed deliberately at reproducing the anarchic privileges of the Continental seigneur." Although this purpose was but partially realized, the "King's officials, traversing the land to exercise justice or to collect revenue found themselves met by claims of feudal privileges which deprived them of the power to exercise their most important duties." These claims were of course most pretentious in the palatinates, and in the "Marcher Earldoms on the Welch border, which came very near them in feudal independence." In 1274, therefore, a systematic visitation of all the franchises of England was made "on a scale like that of Domesday itself, with a view to ascertain the exact boundaries of feudal and royal jurisdiction." The "labour of the commissioners resulted in the following year, in the compilation of the Hundred Rolls, a record second only in importance to Domesday Book, as a picture of national life in a remote age." If the latter is the great Tax or Geld Book, the former is the great Franchise Book, of the medieval kingdom. The report of the commissioners was followed by the Eyre of 1279 which resulted in a conservative reform of existing abuses and put a stop to further encroachments. Scarcely less significant of Edward's policy is his earliest great law, "the famous statute of Westminster the First," adopted at a parliament of "magnates" in 1275, and designed to remedy the corruption and other abuses of the official system. But especially instructive is the author's discussion of the Statute of Merchants or Acton Burnell (1283) in its relation to the Statute of Entails or *De Donis* as the first chapter of the Statute of Westminster the Second (1285) is called. Before Edward's day the merchant could only with great difficulty enforce the payment of a debt. The "right of the creditor to seize the chattels of his debtor, through the hands of the sheriff, had become generally recognized. But the strongest instincts of feudalism were opposed to the suggestion that a debtor's land might be sold for payment of his debts, and a new tenant thus imposed upon his lord." The Statute of Merchants changed all

this. "If the debtor fails to pay, at the appointed time, he may not only be imprisoned, but his chattels and 'burgage' tenements (*i. e.*, lands in the borough) may be sold, without any preliminary proceedings, by the mayor to satisfy the debt, or if there is any difficulty in effecting the sale, the debtor's chattels and *all* his lands may be handed over at a reasonable valuation to the creditor, until, out of the issues, the debt is liquidated." The remedy was effective though radical. Hence, it is pointed out by Mr. Jenks, the institution of entails in the same year must be regarded as a kind of counter concession to the feudal aristocracy, which was rendered of little practical value through the later invention of the collusive action by common recovery.

Lack of space prevents further illustration of the author's discussion of Edward's constructive legislation. It must suffice to say that his book is a well-written and sound contribution to English constitutional history.

GEORGE ELLIOTT HOWARD.

Histoire de France depuis les Origines jusqu'à la Révolution. Par ERNEST LAVISSE. Tome IV. Les Premiers Valois et la Guerre de Cent Ans (1328-1422). Par A. COVILLE. (Paris: Hachette et Cie. 1902. Pp. 448.)

THE political and social transformations of France during the Hundred Years War were so remarkable, the evolution of institutions and ideas so rapid, the relations of France with foreign states so intricate, the military events so far-reaching in effect, that the co-ordination of these various classes of writing has really never been attempted by one historian to any great extent in this particular field. The distinction between classifications is as sharp as that between the constitutional history of England and its political and military history, without such a divorce in the writing thereof being possible in the case of France. The Battle of Poitiers had little effect upon the development of the English Parliament. It exerted an immense influence upon the political, institutional and social history of France.

M. Coville at the first blush seems to have achieved his task admirably. But examination discloses that he has limited himself almost wholly to French sources. The limitation was natural, perhaps even necessary, in view of the immensity of the subject, and would not have jeopardized the general result in almost any other period of French history; but the omission is unfortunate in this case. French and English history become in many ways the obverse and reverse side of the same thing during these centuries; not all the truth, and often not enough of the truth to make the treatment intelligible and just can be derived from one side exclusively.

In common with every French historian, M. Coville exaggerates the importance of Edward III.'s claim to the throne of France and the vexed question of liege homage. The first was not a cause of war at all, but merely a pretext to cover the real reasons of the English; and the question of homage was not a legal quibble merely. Edward was determined

not to perform liege homage until he was satisfied of his suzerain's intention to do him justice as a vassal of France. M. Coville omits to notice the important fact that Edward III. did not perform liege homage until the French government promised the redress of the injuries complained of by England. Edward III. is accused of playing a double game in making peace, though preparing for war and intriguing in Flanders. But why not Philip VI. also, not only in his relations to the Scotch, but in the unfair use made by him of the popes at Avignon?

Only half the truth will be learned from the French sources in the case of any great event. The history of Edward's campaign in Flanders and Picardy in 1339 is a one-sided account, for the author omits to mention the ravages of the English admiral, Sir Robert Morley, on the Norman coast, the fact that the Gascon nobles supported the French King, and that the French fleet was dispersed by a storm. A similar omission does injustice to the Flemings, for the circumstance that they were bound in the sum of two million *livres* penalty was a factor with their commercial interests in their desire that Edward III. should assume the French regal title. Van Artevelde's insistent overtures to Edward in 1342 are ascribed to the Flemish opposition to his domination and the policy of Louis of Nevers and the Duke of Brabant, the fact being ignored that the expiration of the truce of Esplechin threw Flanders back into a position of political peril independent of these influences.

The events preceding Crecy are clearly told, though there are some errors and one important omission. Edward arrived before Caen on July 26th and not on July 20th; the French constable was Raoul, not Robert de Brienne; the "count" of Tancarville was a simple sire. The omission is reference to the notable capture in the siege of Caen of the agreement made by the estates of Normandy with the crown in 1338, when a grand attack upon England was projected. The document was brought to England by the Earl of Huntingdon and publicly read by Archbishop Stratford in St. Paul's churchyard on August 12. Perhaps M. Coville regards it as a forgery of Edward to stimulate English feeling, but the English editor of Avesbury makes no doubt of its genuineness.

The chapter, "Le Gouvernement de Philippe VI.," is most excellent, and compensates the reader for the omissions of any notice either of the government of Lancaster in Guyenne—brief but valuable for the future history of the war—or of the English conduct of the war in Brittany. The reader would have been glad of an opinion upon the question of the immediate origin of the Jacquerie from so high an authority as the author, who is not so cautious in judging Étienne Marcel. The Peace of Brétigni is treated in all its phases save in the question of church property, provision for the restoration of which was introduced in the supplementary treaty of Calais, too important to be passed over without some allusion, especially in the light of the evidence collected by Father Denifle.

Nowhere, perhaps, is it more evident that the book has been written from French sources wholly than when the author is writing of Aquitaine

under the Black Prince. The policy of Charles V. was conspicuously able and the achievements of Du Guesclin remarkable. Yet part of the French success must be ascribed to the consummate folly of the Black Prince in the government of the south, and to the lack of efficient commanders among the English after the death of Sir John Chandos (1370), the noblest Englishman of them all; but the Prince's policy is dismissed in two lines and a half and Chandos's death not even mentioned.

After 1380 French history until Agincourt is less dependent upon English sources, and the latter portion of the book is less one-sided. It is strange, though, that when relying upon French sources merely, the French-Scotch alliance of 1383 to check the crusade of the bishop of Norwich in Flanders should fail of mention, the raid of the Scotch being later presented as an independent movement and one not inspired by France. This brevity to the point of sacrifice contrasts with the statement made relative to Philip Van Artevelde that "il avait rempli dans la ville quelques offices importants" (p. 278). The words seem superfluous, even untrue, unless there are Belgian authorities unknown to the eminent editor of Froissart.

When we come to the relations of France with the first Lancastrian King, the failure to use English sources still vexes the reader. A paragraph is devoted to an account of the vain-glorious challenge of the English King by the Duke of Orleans, as if it were of real historic importance. An examination of the first volume of the "Proceedings of the English Privy Council" would have cast a more valuable light upon the relations of the two countries and showed how French gold and guile fomented the Scotch war. A reference to Rymer would have trimmed the smoothness of this sentence: "Malgré tous ces défis, la trêve de vingt-huit ans fut expressément maintenue, confirmée tous les ans;" for as a matter of history, the English council was deliberating a declaration of war (Feb. 9, 1400) when the tardily approved truce (Jan. 29, 1400) was returned from Paris. Peace escaped into the temple of Janus by the narrow margin of eleven days!

The errors, fortunately, seem to be few; three of them (p. 37, 39, note, 58, note) are misprints in the case of English words. On p. 29, the affair of Cadzand happened November 9, 1337, and not in October; the bishop of Lincoln, instead of getting to Paris in 1337, as stated on p. 39, got no farther than Boulogne.

JAMES WESTFALL THOMPSON.

Henry V. The Typical Mediæval Hero. By CHARLES L. KINGSFORD. [Heroes of the Nations Series.] (New York: G. P. Putnam's Sons. 1901. Pp. xxxi, 418.)

THE successive volumes of the "Heroes of the Nations" series keep up to a very satisfactory grade of excellence. There are few if any of its volumes which fall below the standard of good serious historical work. Certainly this biography of Henry V. is no exception to the rule. It is based entirely on original authorities which are used with skill, care and

discretion. Moreover the combination of treatment of the more personal events of Henry's life, which are proper to a biography, with the more general description of the events of English history during that period, which is also necessary, is made with evident effort and with considerable success. The material left to us for showing the personality of any king or statesman of the fifteenth century, aside from the events of which he was a part, is scanty enough; and the life of Henry V., even more than the lives of others, was so completely bound up in his campaigns and diplomatic negotiations that the man apart from the king is scarcely more than a shadow. This brings up one of the few points of adverse criticism that can be made on the book. The author in his search for his hero's personality has been led to ascribe to Henry more general and far-reaching lines of policy than there is any warrant for believing he had. Henry seems to have been a specially laborious, practical, cold and direct man. To credit him with ultimate designs for a unification of Christendom, or with any definite "ideal of authority in church and state"; or to speak of him as "instinct with all the traditions of the past," or as "the champion of a lost cause," is to be misled by the requirements of the sub-title of the book.

With all respect to Dr. Stubbs, to whom this cognomen for Henry V. is due, and to Mr. Kingsford, who approves it, we cannot but feel that it is singularly ill-chosen. In the first place the expression "mediæval," as in some other places in the book, is somewhat of an anachronism when applied to a military commander who made use of cannon and of regularly paid volunteer soldiers in his campaigns, and to a ruler who obtained his income from taxes on exports, imports and personal property granted by a Parliament. It was just the things which were least medieval in fifteenth century England that Henry made use of most regularly. Moreover, the heroic impression made by Henry on his own and later times was almost entirely due to his military successes. He was not many-sided, like Edward I., for instance. His insistence on orthodoxy in religion was not unusual or striking. His sincere acceptance of existing constitutional limitations did not interest the contemporary man, however great the interest which it possesses for modern students. There was little that was medieval in Henry, and, except for the general mediocrity of his times, it would hardly have occurred to any one to elevate him to the position of a "hero," typical or otherwise.

Not that Henry V. was not a great man and an able ruler. Few men have had such uninterrupted success in what they have set their hands to do, and few have been so sorely missed when they dropped their work. This comes out clearly in Mr. Kingsford's narrative, which, notwithstanding his restricted space, discloses admirably the fine thoroughness of Henry's military and diplomatic preparations, and the steady accomplishment of his purposes.

We do not get much light on the old uncertainties of Henry's career, the extent of the excesses of his youth, his real reasons for renewing the French war, and his personal feelings toward Lollardy. But probably

there is no new light to be obtained on these from the existing material. Certainly the author has neglected none of this, and has not disregarded the problem. These besides were not the real matters of importance in Henry's career. Motives are less important historically than actions; and these Mr. Kingsford has given in a full, interesting and clear narrative. The book can be heartily praised, except that we should like to have seen the author refrain from giving to his subject a fanciful position as "the typical mediæval hero," and ascribe to him his true significance as a firm administrator of the old balanced English constitution of king and three estates, a brilliant leader of the nascent national feeling of England in the war against France, a conscientious king carrying out a clear if not very broad idea of his duty in that office.

E. P. CHEYNEY.

Charles le Téméraire et la Ligue de Constance. Par E. TOUTEY.
(Paris: Hachette. 1902. Pp. 475.)

THE scope of M. Toutey's book is broader than its title. What lies nearest his heart is neither the fortunes of Charles of Burgundy nor those of the League of Constance, but the beginnings, a score of years before the French invasion of Italy, of a European balance of power and of international congresses; and what he has really given us is scarcely less than a diplomatic history of central Europe in the time of Charles the Bold. Yet a diplomatic history only. Of military history, save as incident to diplomacy, one learns little more than of society or institutions, of letters or of art. Even Grandson and Morat are despatched with less than a page apiece, and with a vagueness in striking contrast to the graphic narrative of a Delbrück or a Kirk.

Though it is now nearing two score years since John Foster Kirk gave to the press his *Charles the Bold*, the American's is still the one biography of the great Burgundian; but in the interval a multitude of special studies have thrown light upon one or another episode of his career, and scholars have unearthed not a few documents which escaped the patient search of his biographer. Of this newer literature, as of the older, M. Toutey has made a wide and thorough use attested not less by his text than by the half-dozen pages of his appended bibliography. Reassuring to the English reader is the respect he still shows to the book of Mr. Kirk; yet point of view and results could hardly be more antipodal. Nor can this be charged wholly to the anti-Burgundian sympathies natural to a French scholar; for his facile use of German sources and the excellent temper with which he can discuss an Alsace and Lorraine still imperial, show, on the whole, a rare absence of chauvinism. Nay, when he once slips as to the allegiance of a province, it is to aver (p. 200, note) that "la plus grande partie de la Flandre relevait de l'empire."

Hear, then, his estimate of Charles (p. 70, note):

"It is well known that his contemporaries called him Charles le Hardi until 1472, then Charles le Terrible after his campaign of Nesle, Beauvais, Rouen, and finally Charles le Téméraire in the last years of his life, 'when

he seems' says Comines, 'no longer to have had his understanding so clear.' In truth he was always ambitious, brutal, cruel (Dinant, Liège, Nesle), and little scrupulous in the choice of means (affairs of Péronne, of Guelders); but in the first part of his life he liked to parade political probity and chivalric sentiments, and in fact his treachery was not excessive for the age, his cruelty and his hate gratified themselves indeed only against his foes (the burghers of the towns, the King of France), or perhaps in cases where he had in view an evident advantage or where the victim to some extent deserved his fate (Louis XI., Adolf of Guelders). After 1473 his hate is yet more savage (Étienne de Hagenbach at Belfort, the garrison at Grandson), and his knavery is profitless. One could then believe that he did evil for evil's sake, as if out of a sort of vindictiveness toward mankind in general; it is, in fact, that he is avenging himself for having been deceived, not only by his enemies, like Louis XI., but by his friends (the Emperor at Treves, the King of England at Picquigny, Sigismund at Constance, etc.), and that, on the other hand, his schemes have so lifted him above the earth that he loses footing, that he is attacked by a veritable madness, *la folie des grandeurs*."

Nay, M. Toutey will not even grant him military genius. Despite his personal bravery and his skill as a drill-sergeant, "the truth is that he had the same military conceptions as his ancestor, King John the Good: to march against the foe and fight him face to face—*mais on n'en était plus là à la fin du 15^e siècle*" (p. 324, note). Nor was he a statesman, but only an ambitious prince, haunted with memories of the Middle Ages, who still confused the idea of the state with that of property and believed that nation could be added to nation like field to field; while Louis of France, the Swiss cantons, the Alsatian towns, the Duke of Lorraine, "represent a principle essentially modern, that whereby every group of men having the same customs, the same aspirations, has a right to live and develop by itself, according to its own tastes and genius." Verily, this is to see them with modern eyes.

The book abounds in terse summaries and happy general views. Two maps and an appendix of documents add to its usefulness. Alas, the volume has no index.

GEORGE L. BURR.

The Italian Renaissance in England. Studies. By LEWIS EINSTEIN.
[Columbia University Studies in Comparative Literature.]
(New York: The Columbia University Press; The Macmillan Co., Agents. 1902. Pp. 420.)

THIS work is the latest issue in a series which includes a history of literary criticism in the Renaissance, together with volumes on the classical heritage of the Middle Ages and Spanish literature in the England of the Tudors. The present volume, like its predecessors, deals not with the technicalities of literary form, but with wider aspects of intellectual life and expression. The exact scope of the work is perhaps not at once apparent from the title, owing to the ambiguity of the term Renaissance.

In reality the work is an attempt to estimate the influence of Italy upon England along all lines, excepting the diplomatic and political, from the beginning of the fifteenth century to the death of Elizabeth. The justification for this attempt Mr. Einstein finds in the fact that, in spite of detached studies upon various phases of the subject, hitherto "no serious effort has been made to discover a common impulse running through the Italian influences in England: to find at the university, at court, and among the people at large, in different and even in opposite directions, the results of one and the same great movement."

In the development of his theme, the author traces three stages to the movement. The first was the purely scholarly and scientific stage, centering in the University of Oxford, and lasting until the end of the fifteenth century. The second stage was that in which Italian culture grew at court; it covers especially the first half of the sixteenth century. The third, covering the second half of the sixteenth century, saw the extension of the movement among the people at large, while at the same time there arose a national and puritanical reaction which ultimately put an end to the dominance of the Italian spirit. As is implied in the title, the volume is essentially a collection of studies. In Part I. these are entitled "The Scholar," "The Courtier," "The Traveller," and "The Italian Danger." Part II. contains brief accounts of the leading Italians in England in this period—churchmen, artists, diplomats, merchants, and others. Here are also included chapters on Italian political and historical ideas in England and the Italian influence in English poetry, while in an appendix is added an interesting account of English Catholics at Rome. The first part claims to concern itself chiefly "with the Englishman as affected by Italy . . . and later with the movement against Italian influence"; the second "treats rather of the Italians in England." As will be seen from the summary of contents above, this distinction is not altogether maintained, and influences and persons are dealt with more or less indiscriminately in both parts. Indeed, a certain lack of definition, a looseness of organization which causes confusion and needless repetition, is one of the faults of the book, betraying its origin in the researches of the industrious but unpracticed graduate student.

A large part of the book is made up, perhaps necessarily, of somewhat disjointed biographical fragments. In the chapter dealing with the Scholar, we start with Duke Humphrey of Gloucester, trace the influence of the individual Oxonians, Grey, Free, Flemming, Gunthorpe, and Tiptoft, Earl of Worcester—all students under or connected with Guarino Veronese—until the Renaissance movement is definitely established at Oxford by Grocyn, Linacre, and Latimer. Chapter II. deals largely with the courtesy books of Della Casas and Castiglione, which voiced and modified the social aspirations and ideals of the age. In every department of courtly life,—in manners, horsemanship, falconry, fencing, the etiquette of the duel, masks and music, etc.,—Italian influence is traced. Chapter VI., on the Italian merchant in England, con-

tains a summary of an interesting contract for the establishment of a mercantile and banking house in London, dated 1446. Cosimo de' Medici and Giovanni Benci are the parties of the first part, and their London agent or partner is of the second. Another document, taken like this one from the Florentine archives, contains instructions to guide the agent, and affords interesting glimpses into the methods of business and wide ramifications of the Italian banking houses.

In the main Mr. Einstein has succeeded in accomplishing what he undertook and has presented us with a useful summary of his subject. The book is provided with an index, some excellent illustrations in photogravure, and is comparatively free from errors of fact or print. A few slips, however, should be noted. The pope of the Renaissance was Paul II., not Paul I. (p. 23). The characterization of Rizzio as "prime minister of Scotland" (p. 76) is not altogether accurate. Finally the statement that Sebastian Cabot "commanded the first English ship to visit the West Indies and South America" (p. 278) would scarcely be made by any one conversant with the Cabot literature of the last twenty years.

SAMUEL B. HARDING.

Mary Queen of Scots and Who Wrote the Casket Letters? By SAMUEL COWAN. (New York: James Pott and Co. 1901. Two vols., pp. viii, 387; 407.)

THE strife which raged around Mary Stuart did not cease with her life; she lives on, an immortal subject of dispute between her ardent, uncompromising admirers and champions, and those who fail either to be dazzled by her brightness or to mistake tragic misfortune endured with marvelous spirit and steadfastness for snow-white innocence. Between the extremes of complete, unquestioning apology and of utter condemnation there is, however, ample room for sympathetic, though open-minded and unbiased discussion. For even those who approach the subject with the absolutely frank, honest and unfettered design to discover the truth will probably find it impossible to agree fully upon a solution of the more important historical riddles of her career. So that, when much remains really and honestly obscure and capable of various interpretation, it is scarcely wonderful that partizanship has run so high, considering that the question involves so much that appeals not only to British politics, patriotism, and religion, but to universal sympathies, which have naturally ever gone out to the almost incredibly tragic life of a beautiful, lovable, high-spirited, if guilty queen.

The latest knight to enter the lists against all who dare whisper aught against the Queen of Scots is Mr. Cowan, himself a Scotsman. His two handsome volumes are an uncompromising defense, a popular biography, based ostensibly upon a study of good historical materials both original and second-hand, but giving, it is to be feared, decided if not exclusive preference to evidence which tells in Mary's favor. In fact the book is hardly to be taken seriously as a real contribution to history,

though it is evidently intended as such. It is obviously a labor of love, the pious, enthusiastic work of a chivalrous, patriotic Scot, whose soul boils at the thought of the diabolical wrongs done the living Queen by her political enemies and to her memory by cold-blooded if not dishonest historians. The author's task has thus been not so much with laborious patience to inform himself if possible beyond his predecessors with a view to enlightened and authoritative judgment, as to place before his readers a narrative which, aided by passionate appeal for sympathy and noisy denunciation of slanderers, shall convert men to a set of Marian dogmas which he has apparently never been able or willing to regard for a moment as susceptible of honest doubt. In a word he is not a trained historian, not even a competent amateur. It is not to be expected that a task which taxed to the utmost the resources and trained faculties of a Mignet, should be creditably performed by so casual a writer.

If an author makes no pretense to be an impartial judge, he ought at least to prove himself a competent advocate. It is to be feared, however, that Mr. Cowan is neither the one nor the other. His is a book, not, as he evidently thinks and intends, suitable to rank with the scholarly defenses of Mary Stuart, but rather a book for that vague and presumably uncritical person, the general reader. But all this is merely saying that Mr. Cowan's is a bad book if judged from a strict historical standpoint, and scarcely calls for serious consideration in an historical review.

Still as the book is imposing in bulk and alluring in appearance, and as the author challenges the serious attention of critics by claiming to throw "new light on questions of great historical interest," it is but fair to give a few explicit reasons for our unfavorable judgment. First of all as the authorship of the Casket letters is so prominent on the title-page one would have expected that problem to occupy a considerable part of the book, as in Mr. Andrew Lang's recent acute and painstaking volume, which, by the way, gives the scholar such infinite relief and satisfaction after the inadequate, all too complacent work of his fellow-countryman. As a matter of fact Mr. Cowan has very little to say about the perhaps insoluble enigma of the letters, and that little is not very enlightening or convincing. It is amusing in this connection to contrast Mr. Cowan's cock-sure dictum that they are forgeries and "not the work of genius, but coarse incoherent pieces of composition" with Mr. Lang's modest and reverent judgment, that if the famous crucial Letter II. "be in part, at least, a forgery," it is "a forgery by a master in the science of human nature," and seemingly "beyond the power of the Genius of Forgery to produce." Mr. Cowan is not a good student of evidence. "Many of his criticisms," to use the words of that great Scottish authority, Dr. Hay Fleming, "are of the most puerile nature, and he has perfect faith in theories which have been long exploded." The same authority points out the textual inaccuracy of the many documents which Mr. Cowan has published, and notes that the original bond for Riccio's murder, which Mr. Cowan claims to have discovered and published for

the first time, was printed from the original with facsimiles of the signatures in 1843. It is needless to multiply instances.

The most valuable feature of Mr. Cowan's book is the series of sixteen portraits of Mary. One would like, however, to find critical notes on them, for, strictly speaking, portraits, to be useful historical material, should be studied and tested as relentlessly as written documents.

"The present work," says Mr. Cowan in his preface, "is not free from faults and blemishes, for no work on this subject can be so on account of the imperfect nature of the material we have to draw upon." In this estimate of his book no critic will venture to differ from Mr. Cowan, but we are inclined to think that there are faults and blemishes for which no imperfections of material can account.

W. F. TILTON.

History of Scotland. By P. HUME BROWN. Vol. II. From the Accession of Mary Stewart to the Revolution of 1689. (Cambridge: University Press. 1902. Pp. xiv, 464.)

THE notes of the Scottish Reformation are unanimity and idealism. The awakening of a national conscience was naturally followed by grave political results. But the peculiarity of the movement in Scotland was the profound conviction with which the majority of the nation accepted Calvinism and the devoted idealism of their attempt to put that system into practice.

The Treaty of Edinburgh assured the ultimate success of the new religion. The reformers broke the ancient alliance with France and turned to England whose help had enabled them to win out in their long struggle. Mary Stuart's attempt to maintain the two religions side by side failed. But the conflagration in which this failure involved Scotland, by removing the Queen, gave time and space for the diffusion of the new thought. Knox and Melville, Moray and Morton working in various spirits and for various ends organized the Kirk. And this Kirk was a new thing with its own constitution and its own infallible sanction, rooted in the unhesitating assent of a reflecting and intelligent people over whose life it exercised a strenuous supervision. This body confronted James Stuart when, in 1578, he began to govern the nation of which he conceived himself to be the divinely appointed ruler. It was no empty boast of Melville's that in Scotland there were two kings and two kingdoms.

James's religious convictions as well as his political ambition of uniting England and Scotland moved him so to remodel the Kirk as to allow of its being incorporated into the English establishment. Once master of the endowment of the ancient church he was able to promote his ends by playing on the cupidity of the nobles and the necessities of the reformed clergy. By 1612 he had established a modified form of episcopacy. The next move, the readjustment of rite and doctrine contained in the Five Articles of Perth, was made by "a dead lift of royal

power." Charles I. undertook to go further and precipitated¹ the storm that had gathered over his father's head. From the first Bishop's War until the Restoration the Calvinism of Calvin prevailed in Scotland.

But other forces were at work. The Scots were a loyal as well as a religious people. They feared God and honored the king, and if they found predestination in their Bibles they found royalty there as well. There was, too, an irreconcilable antinomy between the Kirk as shaped by Knox and Melville on the Geneva pattern and the Stuart conception of royalty. Each was a receptacle of infallibility; to accommodate its life to either might have been thought task enough for any nation. Though the Scots, up to 1612 and again at the Restoration, were willing to sacrifice to their loyalty something of the disciplinary side of Calvinism, this one concession did not suffice to resolve the antinomy. But the idea of toleration was at work, strengthened on the one hand by individualism, on the other by indifference, and Scotland took back the uncovenanted Stuarts and abandoned the Cameronians.

The nation was preoccupied with politics rather than theology, when in 1688 the birth of a Roman Catholic heir to their Roman Catholic king presented them with a problem involving both of those interests. The idea of constitutional monarchy furnished a solution and Scotland was for the moment at rest under two sovereigns who, although of Stuart blood, had repudiated in terms the Stuart conception of royalty.

The present volume suggests to the student of the comparative history of institutions an interesting line of speculation. What, namely, might have been the fate of royalty in Scotland had not the two crowns been united. The feudalism of the Middle Ages was immediately succeeded by the Kirk of the Reformation. What could the Kirk have made of a king (God's silly vassal indeed) unsupported by another kingdom and another crown?

Professor Hume Brown has done his work well. He has dealt with a big subject in a little book which turns out to be at once readable and scholarly. His detachment is exemplary; like Knox, he can face Mary Stuart unmoved. His judgments of her (p. 116) and of Montrose (pp. 335-336) are admirable for justice and temperance. He throws more light on the intrigue of Lennox with the Roman Catholics in 1581 (p. 183) and on the details of the Cromwellian Union (pp. 365 ff.), and argues (pp. 340 ff.) that the Scots army did not sell Charles but surrendered him because, in the face of his refusal to take the covenant, no other course was possible. In his account of the Battle of Dunbar he follows Firth as against Carlyle and Gardiner. But when he speaks of "the feudal instinct for a sovereign lord" (p. 342) one must register a protest. It has been well argued that the logic of feudalism did not require a king at all, it did not surely admit of any sovereignty in the office.

GAILLARD THOMAS LAPSLEY.

¹ Professor Hume Brown relegates Jenny Geddes and her stool to the limbo of tradition (p. 301 n.) where, even by historical scholars, she will not soon be forgotten.

The History of the Jesuits in England, 1580-1773. By ETHEL-RED L. TAUNTON. (Philadelphia: J. B. Lippincott Co.; London: Methuen and Co. 1901. Pp. xii, 513.)

THIS work purports to trace the history of the Jesuits in England from the advent of Parsons and Campion to the suppression of the society by Clement XIV. In reality, however, it is mainly an estimate of the character, work and influence of Robert Parsons, an undertaking which claims nearly four-fifths of the entire book. From the author's point of view this division may be justifiable, since he regards Parsons not only as the greatest of the English Jesuits but also as the founder of the policy which dominated them throughout the period. Nevertheless, one regrets to see a single phase of the subject treated so exhaustively while the remainder is disposed of in mere bold outlines. Father Taunton's estimate of the aims of the society and of the means by which it sought to realize them is severe and searching. "The Jesuits as a body," he says, "stood for the Catholic Reaction, from first to last, a political expedient. The clergy, on the other hand, contented themselves with the cause of Religion." He has little confidence in the historians of their body, More, Foley, Constable, and Plowden, "to say nothing of Jouveney, Tanner, and Bartoli," and he remarks of Foley in particular, that he has "found him, at a critical point, quietly leaving out, without any signs of omission, an essential part of a document which was averse to his case." As to results: "Parsons and his followers only succeeded in achieving a brilliant failure," though "they were acute enough to snatch the credit of Campion, Southwell, Thomas Garnett, and others who did the better and more fitting work," and "were the true heroes of the Society in England." Heavy charges are brought against Parsons. He is accused of plotting against Elizabeth's crown, against the succession of James VI., of founding seminaries abroad solely in the Jesuit interest, of having spies everywhere—in England, Spain, Flanders, Italy, and possibly in France. His aim was not only to regain England for Rome but to establish the supremacy of the Jesuits: a purpose which he sought to effect not by "the patient toil and blood of missionaries" but by intrigue and the armed intervention of Spain.

The attitude toward Henry Garnett and the other Jesuits alleged to have been connected with the Gunpowder Plot is equally condemnatory. In studying the evidence on this subject Father Taunton states that he has had to find his "way through a labyrinth of falsehood and contradictions on all sides," though he has nothing but praise for Gardiner's masterly work. His conclusion is that the accused Jesuits, though not actually instigators of the plot, were "mixed up in treasonable practices" with the conspirators. Garnett himself, though merely the instrument of those above him, had been privy to a plan as early as 1601 to induce the King of Spain to send another invasion to England, he knew all the particulars of the Gunpowder Plot before July 25, 1605, and was "in no sense of the word . . . a martyr for his religion nor a martyr for the

seal of confession." Here as elsewhere the author is anxious to show that the great body of English Roman Catholics were not guilty of either privy or sympathy with the machinations of the Jesuits.

The remainder of the book calls for little comment. Except in one or two places the story from this point dwindles into a meager chronicle. Regarding the position and influence of Father Petre, evidence is cited to show that James II. was a mere tool in his hands, while the Jesuit father himself was the scape-goat of others—*i. e.*, of the General, the Provincial, and the Confessor of the society. However, one would think that a safer guide might have been chosen for the characterization of Father Petre than Macaulay. It is interesting to note that Father Taunton goes so far as to attribute the fall of the Stuarts to the influence of Parsons and the society.

Certain statements made by the writer might be questioned. For example, Gardiner has shown that James I. never knowingly signed the letter to the Pope requesting that the Scotch bishop of Vazion be made a cardinal; again one would like the authority for the assertion that the King had no intention of "carrying out" the Spanish marriage. Later Charles II. is unjustly blamed for the failure to carry out the provisions of the Treaty of Breda with regard to liberty of conscience. Anthony Ashley Cooper, Earl of Shaftsbury, was perhaps the "chief and leader of the anti-Catholic party," yet it is hardly true to say that it was under his auspices that the Popish Plot was formed.

The dignity of the author's style is marred by an occasional colloquialism. In general, though the work contains much information, it can scarcely be regarded as a complete and well-proportioned history of the whole subject. The index, though long and full, is lacking in one or two important points. There is an appendix containing extracts from the writings of Parsons.

ARTHUR LYON CROSS.

Russian Political Institutions. By MAXIME KOVALEVSKY. (Chicago: The University of Chicago Press. 1902. Pp. ix, 299.)

A History of Russia from the Birth of Peter the Great to Nicholas II. By W. R. MORFILL. (New York: James Pott and Co. 1901. Pp. viii, 486.)

HOWEVER much the above two works may differ in other respects, they have at least one trait in common—they are both difficult reading. For Professor Kovalevsky we must make allowances. The lectures which he delivered last year at the University of Chicago, and which are here reproduced, should be judged with the leniency due any man writing in a language not his own. It is, therefore, needless to insist on the faults of his style, even when he goes so far as to use the phrase "meddled with" when he means intermixed with; and, by a stretch of charity, it is also possible to ascribe a number of pretty loose historical statements to his incomplete mastery of English phrase. Still, no indulgence can absolve him from the charge of having overloaded his lectures with a

confused mass of detail, much of which could hardly be comprehensible without considerable previous knowledge on the part of his hearers or readers. It is all obviously unsuited to the average American public. Even less pardonable, because quite evitable, is the only too evident fact that, if Professor Kovalevsky has not a perfect acquaintance with English, his proof-reader must have been utterly ignorant of Russian. The glaring, absurd mistakes in the Russian words used are innumerable; and as there is also more than one misprinted date, the total effect is very slovenly. Surely, it would have been possible to find somebody in Chicago who could have remedied this, and have saved the credit of a press that is a recognized part of a well-known university. What can one say, too, to the sending to "the Literary Editor" of three ready-made notices which "may be of value in connection with your review columns"?

However, after disregarding all defects of form and accompaniment, we can admit that the substance of Professor Kovalevsky's work is of serious value. He writes with knowledge and authority, even if carelessly. His familiarity with the broader fields of law and economics has been of service in fitting him for the task of interpreting to foreigners the institutions of his native land. His bias is by no means ultra-national; indeed, in his last two chapters, those on Poland and Finland, he does not even present fairly the Russian side of the case. His general standpoint is that of an admirer of parliamentary institutions, as we are warned by his preface, where he says that he has "no doubt that the difficulties which Russia has to undergo, and which arise from her present internal conditions, have no other cause than the interruption of the evolution already begun in favor of a constitutional monarchy. The only loser in this case will be, of course, bureaucracy." This is sweeping enough to show us that we must not look for a perfectly objective treatment of his theme on the part of the writer. His topic is well worth study. Russian institutions and their development are little known to the western public, and it is by no means easy to get at reliable information about them. Despite the many features in them that have been borrowed from the outside, they have a strong national element, and they deserve much more serious attention than they have received in other countries. We have here an attempt to fill a gap, so that even if there still remains plenty of room we can be grateful for what we have got. It is to be regretted that, owing presumably to carelessness, the author has not escaped some pretty serious errors of detail—for instance, in spite of fresh information, the question as to the identity of "the false Demetrius" seems as far as ever from being settled, and he probably was not "a certain Grishka Otrepiev" (p. 56). The Juriev represented at the Sobor of Michael Romanov in 1642 evidently could not be "the modern Dorpat," then in the hands of Sweden, but was Juriev-Polski, in the present government of Vladimir. It is not true that the Tsarevich Alexis "executed by the orders of his own father, Peter the Great" (p. 110). He was condemned by the court which Peter had instituted, and the

sentence was confirmed ; but the prince died before it could be carried out, thus leaving a possibility of doubt whether it ever would have been. On the next page we read that Elizabeth "was a bastard, for there was nothing to prove a marriage between Peter the Great and Catherine." Peter publicly married Catherine in 1712, after the campaign of the Pruth. The attacks on the legitimacy of their daughters were due to the fact that both of them were born before this marriage, and that Peter's first wife was still alive. The reference to the murder of Ivan VI. (p. 124) is unpardonably wrong. Mirovich was not "the man who perpetrated it," but, on the contrary, was trying to free the captive, who was put to death by his keepers to prevent the rescue. Finally, Alexander I. was the grandson, not "the great-grandson" (p. 286), of Catherine II. These are not the only errors, but when all is said, one can read Professor Kovalevsky's book with a good deal of profit.

The same remark can hardly hold true of Mr. Morfill's last work. He has written for "the general reader," but it is hard to imagine anything more confusing to such a reader than his jumble of names and facts, and his sudden digressions and sub-digressions in every possible direction. The garrulousness of his style is at times absolutely bewildering. Although he may have, as he says, mostly drawn from Russian sources, and have freely availed himself of the material furnished, not only by the leading historians of the country, but also of what is contained in the historical reviews and the transactions of Russian learned societies, it profits us but little: his narrative consists often of hardly more than a string of disconnected anecdotes. There is no sense of proportion. For instance, though it may be worth while to devote over fifty pages to Napoleon's Moscow campaign, especially as this is the best written part of the book, still, all the subsequent events in the reign of Alexander I., such as the campaigns in Germany and France, the Congress of Vienna, the Holy Alliance and the reactionary policy of the last years, deserve more than a total of fifteen. And yet this is a trifle compared with the fact that in a history of modern Russia an event of the most transcendent importance, which has been called perhaps the greatest legislative act in the history of mankind, the emancipation of the forty million serfs by Alexander II., is disposed of in a page and a half, much less than is squandered away on many a superfluous anecdote.

After this it is hard to treat the work seriously, as it rambles on, from one subject to another. The beginning is characteristic. We get to an anecdote in the third line, and in the preamble thereof we meet the extraordinary pronouncement that "Alexis was perhaps the first Tsar who had what would now be called a foreign policy." Typical of Mr. Morfill's looseness is his calling Maria Theresa indiscriminately "the German Empress" and "the Austrian Empress," both terms open to criticism. As for his general views, one notes that he carries his partisanship of Peter the Great to the point of glossing over the terrible story of the Tsarevich Alexis; that he does not do justice to the statesmanship of Bestuzhev, the minister of the Empress Elizabeth; that in dealing with

Peter III. and Catherine II. he attaches, characteristically enough, too much importance to the untrustworthy gossip of Rulhière; that he has a rhetorical aversion to the Turks, and gives a false idea of the respective strength of the opposing fleets at the Battle of Navarino; that his attitude towards "the great emperor" Nicholas I. is in the main sympathetic, while his tone toward the French in the Crimean War is throughout fault-finding and unfair. He abounds in loose and hazardous statements, but it is needless here to point out his errors of detail, some of which are, doubtless, mere slips. For the "general reader" the book contains not a little useful information if he can succeed in extracting and remembering it. Mr. Morfill has a wide knowledge of Slavic history and languages, and a kindly personality shines through his pages, but oh! how could an Oxford professor use the word "researcher"?

ARCHIBALD CARY COOLIDGE.

The Development of Cabinet Government in England. By MARY TAYLOR BLAUVELT, M.A. (New York: The Macmillan Co. 1902. Pp. xvi, 300.)

IN this volume the author shows the historical origin of the English Cabinet and traces the successive steps in its development. The discussion begins with the differentiation of the Cabinet from the Privy Council and ends with the early years of the reign of Queen Victoria. The author has done her work well and has made a valuable contribution to historical and political literature. The importance of the subject can scarcely be overestimated. The Cabinet is the most important feature of the English government. It sways and guides the House of Commons, which is the real governing power in England; and its history has never before been presented in monographic form. Traill, Todd, Anson and others have given us brief sketches of the development of special phases of the Cabinet but the subject has never before been treated in a connected and detailed way. This has been well done in the volume now under discussion, and the book has, therefore, a distinct place in the literature of the subject.

The author's task has not been an easy one. The development of the Cabinet has extended over a long period of time, hence it was necessary to work over an immense amount of historical material. This appears to have been conscientiously done as the author, for the most part, has consulted the original sources. Some readers will regret that the author did not see fit to bring the discussion down to a somewhat later period. The book practically closes with the accession of Queen Victoria, and there are some interesting phases of Cabinet development in the reign of the late Queen which might well be made the subject of an additional chapter. Such a continuation would add force and a degree of completeness to the volume which it now lacks. In fact the concluding pages of the book are weak because of too great condensation.

While the book is a good substantial piece of work, it might be improved in some respects. It does not show so great a degree of familiarity with the actual practice of the English government as might be desired. The printed sources have been studied with great care but there is much information concerning the actual working of the government which is "in the air" and not in books or documents. This phase has not been developed as fully as it might be. An illustration will serve to make my meaning clear. On page 2 the author remarks: "He [the Prime Minister] is appointed nominally by the Crown, but where the ruling party has a distinctly recognized leader, the Crown has no choice but to appoint this leader. When there is no such preëminent leadership, the Crown may choose from among the two or three most prominent members of the party." This is the usual way of putting it, but the latter part of the statement is somewhat misleading. It is no longer true that "when there is no such preëminent leadership, the Crown may choose from among the two or three most prominent members of the party." The Crown has practically no choice even in such a case as this. The appointment of Lord Rosebery in 1894 is a case in point. When Mr. Gladstone resigned the premiership in that year there was no "recognized leader" in the liberal party besides himself. It might seem then that Queen Victoria would have been free to choose the Premier from the "two or three most prominent members of the party" then in power. This was not true, however. Lord Rosebery and Sir William Vernon-Harcourt were the two most conspicuous men in the Liberal party at the time, aside from Mr. Gladstone. Both of these men had been prominently mentioned in connection with the premiership, but the choice was not left to the Queen. A conference of Liberal leaders decided to recommend the appointment of Lord Rosebery, and he was accordingly chosen. No one expected that the Queen would disregard the wishes of the party leaders. No one now supposes that King Edward exercised his free choice in the appointment of Mr. Balfour. There was no alternative. Had he preferred Joseph Chamberlain he would not have been able to elevate him to the premiership against the wishes of the leaders of the Conservative party. It is now safe to say that the appointment of the Premier is, in practice, dictated by the party leaders, and that the Crown exercises no discretion in the matter whatever. It should be said, however, that in the neglect of the practical side of the subject our author has not erred more grievously than the larger majority of those who discuss the English government. The older writers following Blackstone and tradition, have elaborated the theory and ignored the practice. A few later writers, following the refreshing example of Bagehot, have ventured to show that the practice does not always coincide with the theory.

The book is not as satisfactory from the standpoint of good English as it is from that of historical excellence. It cannot be said to be well written. The book lacks definiteness and precision of statement throughout, and not infrequently the construction of its sentences is decidedly

faulty. However, the above defects are by no means vital, and the volume is, on the whole, a worthy one. T. F. MORAN.

The Scotch-Irish, or the Scot in North Britain, North Ireland, and North America. By CHARLES A. HANNA. (New York: G. P. Putnam's Sons. 1902. Two vols., pp. ix, 623; 602.)

THERE is a story of a certain sick judge who instructed his daughter when reading books to him to read only the quotations. She would have had much to read if she were dealing with Mr. Hanna's volumes. In truth they are mostly all quotations. No one can deny that as a result much varied information is imparted, but what we have is not a history, as the title implies, not even well arranged materials for a history, but a collection of materials, much irrelevant, which might be worked up into a history of the Scotch-Irish. It seems a pity that Mr. Hanna has not done this working up himself, but he has not even attempted it, nay he frankly avows that "these volumes are designed to serve as an introduction to a series of Historical Collections" "relating to the early Scotch-Irish settlements in America," and so we are as far away as ever from what is really a desideratum, a history of the Scotch-Irish.

Let us now see what Mr. Hanna has given us. Volume I. contains very sketchy and far from exhaustive chapters upon the Scotch-Irish and the Revolution, the Scotch-Irish and the Constitution, and other themes connected with their early history in this country, with a view to show that by all odds they were the most important factor in the formation of the republic. Much of the proof consists in naming the nationality or ancestry of the prominent men in the early American days, which reveals that they were Scotch-Irish in a surprising proportion of cases. The notes to these chapters are valuable because of their quotations and references. With the eighth chapter, Mr. Hanna begins a new cycle. He now abandons the Scotch-Irish in America to their fate and for thirty-one chapters leads us through Scottish, English and Irish history. Premising that we are entirely ignorant of all knowledge of the history of those countries he presents us with hundreds of pages of excerpts from the sources and from standard historians. True, some of the material thus brought together is inaccessible and all of it is in itself valuable, but it seems a pity that so much should have little to do with the declared object of the volumes. We could have spared the space given to Scots and Picts, Norse and Angles and such like. We fear few will read the excerpts from the English Chronicles. We then get down to the Great Ulster Plantation and the Emigration thence to America.

Volume II. has only five chapters. "The American Union" (5 pp.) showing it was a Simon-pure Presbyterian product, "Seventeenth Century Emigration from Scotland and Ulster," in which Theodore Roosevelt is claimed for Presbyterianism (!); "The Seaboard Colonies"; "Pennsylvania," "The Settlements Enumerated." Then follow the "Appendixes," excerpt matter upon the themes treated in the previous part of the volumes; a "Scotch-Irish Bibliography,"

which is not so good as it might be because not upon a good plan: it combines a subject, author and title catalogue, arranged under the rubrics, countries, states and counties, but the plan is not carried out uniformly; and an index, which though very elaborate is mostly of names, and unfortunately not inclusive of all the names, for at the bottom of each page of the index we read: "For additional names see references on page 553 of this volume."

The Volume I. is prefaced by a map of Scotland, which has no special place. One of Ulster, Ireland, would have been more acceptable; to Volume II. is prefaced a specially drawn map of the thirteen colonies with the centers of Scotch-Irish settlement marked upon it. These centers are 123 in number and are particularly thick in North and South Carolina. This special map deserves warm commendation. It is a real contribution to the subject. It may be said also that the mechanical appearance of the volumes reflects great credit upon the Knickerbocker Press.

There surely is a welcome awaiting a history of the Scotch-Irish. We wish Mr. Hanna would give it to us. He can come measurably near it and serve the cause he has at heart if he is willing to rearrange the contents of the two volumes he has given us so as to put together his chapters upon the Scotch-Irish in chronological order and with omission of the irrelevant matter. He might throw into less space the valuable lists of the original Scotch-Irish and their descendants in America, revise his bibliography so as to make it consistent and even fuller, and arrange his index so as to take in all the names and also so as to be more analytical. He can thus reduce his two volumes to one, relieve himself of the suspicion of having emptied a huge scrap-book upon the unsuspecting public, and increase the number of his readers. Such a volume will then be a fitting introduction to the historical collections he promises us and which we shall be very glad to receive. SAMUEL MACAULEY JACKSON.

The Diamond Necklace, Being the True Story of Marie Antoinette and the Cardinal de Rohan. From the new Documents recently discovered in Paris. By FRANTZ FUNCK-BRENTANO. Authorized Translation by H. SUTHERLAND EDWARDS. (Philadelphia: J. B. Lippincott Co. 1901. Pp. 350.)

La Mort de la Reine. (Les Suites de l'Affaire du Collier.) D'Après de Nouveaux Documents recueillis en partie par A. Bégis. By FRANTZ FUNCK-BRENTANO. (Paris: Hachette et Cie. 1902. Pp. 262.)

It is a pleasure to find another Revolutionary episode rescued from the domain of Carlylean declamation and presented to us with a vividness equal to that of the Sage of Chelsea, with wider research, juster criticism and without the homilies. The author of these books is a skilled historical student with no disturbing preoccupations, who has already proven himself a past-master in the art of tracing the intricate

and deceptive windings and turnings of great crimes and conspiracies. In the two books before us we have a very detailed and carefully authenticated history of the most famous case of the eighteenth century, which Mirabeau called the "prelude of the Revolution" and which was so fateful for all the participants voluntary and involuntary. After the labors of M. Funck "this poor opaque intrigue of the Diamond Necklace" may be considered to have attained a clear and authoritative description. Not only has the author been content with narrating this history in its main lines but he has gone elaborately into the minutiae of the case, has traced the careers of the secondary persons involved, with care and fidelity and has thrown new light upon some of the conditions prevailing in the France of the Old Régime.

He has searched a large mass of material, the National Archives, the archives of the city of Paris, of the Bastille (a field which he has previously made his own), and of the Arsenal, besides the memoirs, judicial pieces, newspapers and pamphlets of the time. With this merit of exhaustive investigation M. Funck unites literary talents of a high order, a style vigorous, compact, full of color, an exceptional analytical quality, an artist's ability of arrangement and co-ordination. His narrative indeed has much of the brilliancy and precision of the ill-starred necklace which is its central theme.

He presents us with a series of portraits drawn with delicacy and vivacity,—for instance that of Cardinal de Rohan, tall and lithe in figure, proclaiming in every movement the nobility of his race, an "aristocratic product such as the most refined civilizations produce in their most delicate developments," a man of "much heart and much wit, with a subtle elegance, whose singular charm was heightened by his dignity as an ecclesiastic," moving easily and with honor among the Immortals of the French Academy, by whom he was received at the age of twenty-seven, a man whose great fortune allowed him to do good on a large scale, which he did, "graciously and in a genial spirit," living with magnificence the worldly life, no crabbed censor of the peccadilloes of frail men and women, in short, a man to charm and win. Yet this polished, sceptical, satirical, worldly prelate was an ardent follower of Cagliostro, whom he luxuriously housed for long periods of time and was to be the easy and pitiable dupe of Madame de la Motte. "The great difficulty in the strange story of the Necklace," says M. Funck, "is the excessive credulity attributed to the Cardinal. But here are precise documents agreeing with one another which prove that the Cardinal was incredibly credulous. Two days before he was arrested, Cagliostro persuaded him that he had dined with Henry IV." The portraits of Maria Theresa, of Marie Antionette, of the Countess de Polignac, of Jeanne de Valois, of Cagliostro, Boehmer and Bassange, Nicole d'Oliva, Bette d'Etienville and the wonderful Baron de Fages are equally well executed.

The author shows the origin of the animosity felt by Maria Theresa against the Prince de Rohan,—an animosity dating from that person's em-

bassy to Vienna, that "horrid shameful embassy" as she called it,—and holds an initial and exceedingly grave error of that monarch to have been her insistence that Marie Antoinette share in all its vehemence her own intense dislike, and also her constant endeavor to use her daughter to reinforce her own Austrian policy.

M. Funck's narrative abounds in dramatic incidents, brilliantly told,—the opening chapter where the Cardinal Coadjutor, young Prince de Rohan, receives in the cathedral of Strassburg the young Princess Marie Antoinette, coming from Vienna to Paris to be Dauphiness and Queen,—the early life of Jeanne de Valois, with its fierce restlessness and envy—and that tremendous moment when on the day of Assumption, before all the court of Versailles, the Prince-Cardinal, Grand Almoner of France, arrayed in his pontifical garments, prepared for divine service, is arrested like a thief.

This arrest, in the opinion of the author, was an irreparable fault, a mistake than which none could be more grievous. The King and Queen, on first hearing the story that implicated the latter, took the conduct of the affair, which they did not in the slightest degree understand and were not competent to fathom or appreciate, into their own hands. "The affair", writes the Queen to her brother Joseph II., "has been concerted between the King and myself. The ministers know nothing of it." Most unfortunately, says M. Funck, for the Queen was actuated not by wisdom or understanding, but by indignation, by intense antipathy to the Cardinal inspired by her mother and now revived in all its force, whereas, if the matter had first been referred to the ministry, there was one man in it of profound knowledge of men and things, who would have insisted that action be postponed until some light had been thrown upon the intrigue, who would have appreciated the political significance of the humiliating arrest of so notable a seigneur and prelate upon mere suspicion, who probably would have prevented the terrible blunder. A second blunder no less disastrous, was Louis XVI.'s action in handing the case to the Parliament, for trial,—a body whose first desire was not justice, but the humiliation of the crown and the overthrow of the arbitrary power of ministers. The trial throws a sharp light upon the nature of "absolute" monarchy in France in the eighteenth century (pp. 327-328).

In his second volume, *La Mort de la Reine*, a continuation of the *Diamond Necklace*, M. Funck traces the later careers of those implicated in the Necklace affair, the Queen, the Cardinal, Cagliostro, the Countess de la Motte, a fugitive in London, trading in her infamy, writing mendacious memoirs, assisted in so doing, it seems clear, by Calonne, frequently supposed to be the Queen's favorite minister but really one of her most venomous and most persistent enemies, the Count de la Motte, living till 1830 and practising intermittently the gentle art of blackmail, part of the time receiving a pension from the restored Bourbons.

The translation of the *Diamond Necklace* by H. Sutherland Edwards is accurate and spirited. Neither book possesses an index.

CHARLES D. HAZEN.

The History of the Louisiana Purchase. By JAMES K. HOSMER.
(New York: D. Appleton and Co. 1902. Pp. xv, 230.)

THIS story of our first expansion, attractively bound and neatly printed, is divided into eleven chapters. The first gives a running history of the country up to the time of its transfer to Spain in 1762. The second chapter deals with Louisiana under Spain, and the next with the work of Toussaint in San Domingo, so important in thwarting Napoleon's colonial designs, the negotiations of Napoleon with Spain, and the first movement of Jefferson toward purchase. Chapters IV.-VI. are devoted to further events in America and Europe which spurred the Americans to buy and Napoleon to sell the bone of contention. Two of these chapters deal with the quarrel of Napoleon with his two brothers, Joseph and Lucien, because of their opposition to the sale, the details of which, largely based on Lucien's memoirs, are given at some length, including the famous bath-room scene. The two next chapters take up Livingston and Monroe at Paris and the conclusion of the treaty of purchase. Herein, together with the two preceding chapters, the author makes much of his belief, expressed in the preface, that "the transaction was a piece of Napoleonic statesmanship, Jefferson and his negotiators playing only a secondary part." Yet Dr. Hosmer takes care to point out that Livingston foresaw that the relinquishment of the whole territory was inevitable. Chapter IX. treats of the constitutional questions involved in the purchase as discussed in Congress, and the violent opposition of the Federalists. The next chapter gives a dramatic account of the formal transfer of sovereignty at New Orleans, and the last recites the salient points in the history of the Louisiana territory to the present day. Three appendices contain Livingston's memorial of February 1, 1803, giving reasons why France should sell Louisiana, Napoleon's order for the sale, and the treaties of session and payment.

The book under review is timely in a twofold way, appearing when we are about to celebrate the centenary of our first expansion and when the question of expansion itself still lingers in the public mind. Though written for "youths on the verge of maturity and men and women too busy for a deep study of the matter," the book is both readable and scholarly. While acknowledging his indebtedness to his predecessors, the author claims to have made a new presentation of the subject. He has brought into the compass of about forty thousand words a most interesting story, but, in spite of the use of original sources, largely French, and although he gives "at length some important secret history not heretofore fully set forth in English," his addition to our stock of knowledge on the subject is rather small, and it must be said that some of the additions are questionable. One who has read the correspondence of our various representatives at Madrid will be surprised to learn that "the Spanish attitude to the United States was, in fact, most friendly, though little appreciated then or since" (p. 35). If Dr. Hosmer has discovered that the "favorable disposition of the King," so often held out to our min-

isters but never put into deeds, was real, it is due to history that the proof be forthcoming. If "it was not easy for Madison to feel that this free navigation of the Mississippi was so very important" (p. 63), why did he express his amazement to Monroe that the thought of surrendering it should even be entertained,¹ or why did he return to Congress (1786) mainly to defeat Jay's proposed treaty surrendering this right?² The statement that "the Spanish officials had withdrawn with all the stately circumstance that had surrounded them," probably refers only to their withdrawal from office, but is likely to mislead, since they lingered in Louisiana and fomented much trouble until finally ordered away. The author's treatment of Jefferson is similar to that of Mr. Henry Adams, whom he has read with care, though a little more favorable.

DAVID Y. THOMAS.

The Sectional Struggle. An Account of the Troubles Between the North and the South, from the Earliest Times to the Close of the Civil War. First Period Ending with the Compromise of 1833. Part concerning the Early Tariffs and Nullification. By CICERO W. HARRIS. (Philadelphia and London: J. B. Lippincott Co. 1902. Pp. 343.)

THE author of this work thinks that "the time has come when the more thoughtful people of both sections are ready to receive a full-length view of the long political and constitutional struggle between the North and the South." He has accordingly "devoted his spare time" to constructing such a work "from original sources . . . with infinite . . . care as to data and great catholicity in the handling of vexed questions." As announced in the title, the plan covers the entire field of sectionalism, but the author, for reasons not apparent, has seen fit to publish a part only, which has a decidedly fragmentary character. As it stands it is not a monograph dealing with the early tariff controversy, but a number of chapters from a larger work, whose unity is to be found only in the fact that they deal with struggles involving sectional feeling.

The scope of the work is narrow, being confined practically to tariff discussion in Congress. Four-fifths of the book is taken up with abstracts of debates, the rest being devoted to extremely brief statements of political events. Nothing is said about the economic conditions which caused the tariff controversy except in so far as these are referred to in southern speeches, and while the contents of every bill and amendment are given, there is nothing done by the author to explain the rates proposed or adopted. Even when votes are recorded no attempt is made to analyze them, nor is it shown in most cases to what extent sectionalism influenced the result. Political parties are seldom mentioned. In its very limited range the work seems to have been carefully and systematically carried out, being based apparently upon the *Annals of Congress* and Niles's *Register*. It is perhaps most useful in the chapters where

¹ June 26, 1786.

² Gay's *Madison*, 81 ff.

the nullification debates of 1830 and 1833 are summarized. Here the legal problems of constitutional interpretation are handled with a freedom not elsewhere observed.

In the brief narrative paragraphs no mistakes of any consequence have been noted, but there is nothing original in them, nor indeed is there in the whole book, unless it be a certain unusual freedom from sectional bias on the author's part. He differs from nearly all his predecessors and contemporaries, northern and southern, in condemning no one for his opinions. On the contrary he bestows praise upon all, reserving his nearest approaches to severity for Webster, Clay and Calhoun. In fact, this uniform laudation gives the work a curiously old-fashioned, high-polite air, which persists in spite of the presence of occasional words like "brainiest." No one of the political worthies of those days fails to receive due salutation. The membership of every Congress, convention or legislature is "eminent," "distinguished," or "illustrious"; speeches are invariably "logical and ingenious," "learned and argumentative," "notable," "subtle," "long and luminous," "elegant and impassioned," "powerful," or "tremendous." Yet if the book is to be welcomed for any one feature it is for holding such an appreciative attitude toward Lowndes, Hayne, McDuffie, Forsyth, Mallory, Cambrelong, Lawrence and others who, as the author says in the preface, "have seldom received their dues from historians." The men who did the real work in the earlier Congresses are by no means always those whose names appear most frequently in the pages of later writers. This feature apart, the book is in reality not so much history as a digest or summary of part of the material for the history of the tariff controversy.

T. C. SMITH.

The Life of Charles Robinson, the First State Governor of Kansas.

By FRANK W. BLACKMAR. (Topeka, Kansas: Crane and Co. 1902. Pp. 438.)

THE controversies over the early history of Kansas have revolved mainly about three men—John Brown, General Lane and Governor Robinson. The biographers of Brown were early in the field, Redpath being the pioneer among them with his sensational book published in 1860. Though newspaper sketches, like the rather interesting screeds of "Kicking-Bird," in *The Kansas City Times*, were not wanting, no formal life of Lane appeared until 1896, while that of Robinson was delayed until 1902.

Perhaps it would be hazardous to say that these Kansas controversies have been practically settled by the investigations and discussions of the last two decades, but certain points seem to be fairly established. It is evident that John Brown, who went to Kansas for the avowed purpose of fomenting the disturbances and precipitating a collision between the North and South, hindered the free-state movement in the territory, quite as much as he helped it; that Lane, with all his brilliant and attractive qualities, was rash and unscrupulous, and that Robinson repre-

sented the more conservative type among the Northern settlers—the men who would fight if attacked, but proposed to settle the territorial difficulties at the polls and finally carried their point.

Professor Blackmar's book appears, then, after the fierceness of the old controversies has abated, though the crude blackguardism which was often a conspicuous characteristic of them is not yet wholly extinct. This work certainly ought not to revive the quiescent feuds, as it is notably moderate and judicial in temper. The writer has endeavored, and with a good degree of success, to render to all the Cæsars what belongs to them. We do not remember that he anywhere calls Governor Robinson "the Saviour of Kansas"—a phrase which the partizans of Brown and Lane are fond of associating with their names. The burden of his contention is that, in the border troubles and during the Civil War, Robinson rendered great services to Kansas—a position not likely to be successfully assailed. In the prosecution of his task many of the chief events of Kansas history pass under review. If Professor Blackmar does not throw much new light upon the subject, he certainly contributes to it no fresh confusion. The narrative might have been made more effective by compression. At times it carries a burden of details which cloud its distinctness and contribute little in the way of compensation.

The most serious criticisms of Governor Robinson have been occasioned, not so much by what he did in the territorial days, as by what he said about them after they were past. The fact that he outlived John Brown thirty-five years and General Lane twenty-eight; that he had both the opportunity and the disposition to put his version of the border struggle before the public is thought by some to have given him an advantage over rivals in the award of honors. In the first place he is charged with introducing into Kansas history "the curious myth" that there were two well-defined parties in the territory, "the one wishing to carry its ends by war, the other by peace," where, as a matter of fact, no distinctively peace sentiment existed. Professor Blackmar in reply quotes from the address of Governor Stanton at the old settlers' meeting at Bismarck Grove in 1884 to the effect that on his arrival in Kansas he found the Free-State party divided in opinion—one faction advocating extreme measures and the other moderate. He might also have quoted from a remarkable speech which Lane delivered at Lawrence twenty-seven years earlier. The immediate occasion of that speech was President Buchanan's characterization of him in a message to Congress as a turbulent and dangerous border leader. Adroitly avoiding all discussion of his own personal record or that of the radicals he reviewed the course of the Free-State party and contended that from first to last its *policy* had been pacific. Or if Lane's testimony needed corroboration, Professor Blackmar might have reinforced it by that of John Brown, who in a speech delivered at Concord in the spring of 1857 assailed "the peace party" in Kansas—the party which "discountenanced violence."

The other point of criticism relates to "the Pottawatomie massacre." On the appearance of Townsley's confessions in 1881, Governor Robinson

publicly denounced the affair and in no very measured terms. Some three or four years afterwards a letter of his, written to the late Judge Hanway in 1878, came to light, in which he said that he never "had much doubt that Captain Brown was the author of the blow at Pottawatomie," because he was the only man who "comprehended the situation . . . and had the nerve to strike it." This letter, eagerly caught up by enemies of Governor Robinson, furnished them a convenient text for uncomplimentary discourse. His defense was that, when he wrote the letter, he did not know the facts—that he never fully understood the situation until Townsley's narrative was printed. In passing upon the validity of this defense we are to remember that, for reasons not particularly difficult to conjecture, the Free-State folk avoided looking too closely into the Pottawatomie transaction. They by no means neglected border-ruffian outrages; but here was another story in regard to which they, like the Republican members of the Congressional investigating committee of 1856, preferred the bliss of ignorance. Under the circumstances they were quite in the mood to believe that a desperate state of affairs, which demanded the most heroic measures, existed at Dutch Henry's Crossing. Townsley made his statement with reluctance. It was only after repeated and urgent solicitations that he consented to do it. The gentlemen to whom it was dictated—one of them a prominent Kansas lawyer and a well-equipped student of Kansas history—were deeply impressed with his intelligence and sincerity. When this statement, which dissipated the enveloping mass of rumors, surmises and perversions and disclosed the essential facts, was published, not only Governor Robinson but the friends of John Brown as well, changed their attitude in reference to the so-called "executions." The former shifted from apology to denunciation—the latter from negation to defense. In explanation all offer the plea of imperfect information. And we should certainly wish to hear counsel before allowing it in the one case and denying it in the other.

LEVERETT W. SPRING.

Lee at Appomattox and Other Papers. BY CHARLES FRANCIS ADAMS.
(Boston and New York: Houghton, Mifflin and Co. 1902.
Pp. 387.)

THIS volume is made up of detached papers of very unequal length, not to say of unequal value,—a remark made not for invidious comparison, but only to notice a fact. Where all is good and valuable, discrimination and comparison are not of prime importance.

The title paper—"Lee at Appomattox"—has attracted most attention, but seems to the present writer to be of least value, and is of least length. Still it emphasizes strikingly what is perhaps the wisest act of Lee's career,—the determination, for himself as well as for his army, that the surrender at Appomattox should be the end of the war. It was an essentially bold determination, for Lee was not the commander-in-chief of the Confederate forces, but only the general in command of the army of Northern Virginia. Lee, however, knew his army

was the last reliance and hope of the Confederacy; and he must have known, too, that nothing but a desultory, irregular struggle could be kept up after his surrender. It is most interesting to know, as Mr. Adams shows, that Lee had maturely considered the issue and had reached his conclusion before the last step must be taken. He had evidently taken thought, too, of a contingency which did not arise, — the refusal of his army to follow his example of surrender. There is true pathos and true heroism of a very high order in these words of Lee to a confidential friend and officer just before the final act: "And as for myself, you young men might go to bushwhacking, but I am too old; and even if it were right for me to disperse the army, I should surrender myself to General Grant, as the only proper course for one of my years and position." It is not easy to point to any finer example of poise of character and unselfish obedience to duty in the annals of military or civil life of any age. The scene and the act, the man and the event, put Lee, to use a familiar phrase, in the company of Plutarch's heroes. It is a good service of Mr. Adams to have set this passage clearly before the world.

By far the longest and most important paper of the volume is entitled "The Treaty of Washington: Before and After." We say most important because it presents in broad outline and in well-chosen details a very large and influential chapter of our recent history. We think it plain that no other man could have done this so well, from so full and minute knowledge, and in a style at once so trenchant and vivid. The course of English feeling, the sequence and incidents of the diplomacy of England and the United States from 1861 to 1871 are a twice-told tale to Mr. Adams, and into this narrative and review he has put a wealth of personal characterization of the chief actors and of painting of the great scenes and crises of the eventful period, which makes its 220 odd pages fascinating with the liveliest personal and historical interest. It was necessary to review the whole course of events of the ten years which immediately preceded the treaty of Washington in order to put the final transaction in its proper setting. Mr. Adams has taken space to do this. Especially he has not shrunk from passing positive judgments upon actors as well as events. Here he has of course had to meet the usual fortune of critics of individuals. The present writer does not regard it as ground of wise criticism that one who writes of recent events paints men and manners and motives as seems to him justly. Good faith, a fair spirit, is all that can be rightly required. Mr. Adams's judgments of many individuals have been, and doubtless will be, seriously disputed; but in our belief no fair charge of intentional misrepresentation will ever lie against the treatment of individuals in this free and outspoken paper. Elsewhere the present writer has expressed his dissent and the reasons therefor from Mr. Adams's judgment of one large figure on his canvas, but he recognizes not the less that the canvas is a large one and that it has been drawn and filled with much skill and general fidelity to facts.

The treaty itself Mr. Adams regards as the complement of the Emancipation Proclamation, "rounding out," to quote his words, "and com-

pleting the work of our Civil War." "The verdict of history," he continues, "must then be that the blood and treasure so freely poured out by us between Sumter and Appomattox were not expended in vain; for through it and because of it, the last vestiges of piracy vanished from the ocean, as slavery had before disappeared from the land."

Notwithstanding the length of this paper the treatment of its topic is necessarily succinct and compendious. The ten years covered by it will require for full historical exposition hundreds of pages to each of Mr. Adams's ten. But, as already intimated, this paper will long stand as the best short review of its period and theme. Its value lies especially in the fact that it is largely enriched and illustrated by first-hand investigations and hitherto unpublished material. This refers principally to the private papers of Hamilton Fish to which Mr. Adams has fortunately been given access and from which he has drawn important information. While we see no evidence of undue effort to apotheosize Mr. Fish, yet the result is undoubtedly, so far as this paper goes, to give him a place in the ranks of practical statesmen considerably higher than the general estimation has heretofore given him. To Mr. Fish, to his initiative as well as guidance, to his sound valuation of the situation—its men, especially President Grant, and its background of public opinion both in England and here—to his patience and tenacity in pursuing his clearly defined policy and end, Mr. Adams does full justice; some will feel more than justice, with less than justice to some others. For his implied or inferential, as well as his expressed, estimate of Mr. Fish's statesmanship, there appears to be good grounds. Mr. Fish's achievements as Grant's Secretary of State, especially his conduct of the whole matter of the treaty of Washington and its sequel, the Geneva Arbitration, furnish a striking example of the easy ability with which a great public transaction may be handled by one who may have been, and still be, rated as commonplace or the extreme opposite of brilliant. Mr. Fish's figure in the public eye till 1869 was small, though he had held the highest offices in the gift of the Empire state. He made no set speeches. For diplomacy as a business or as a study it is not known that he cared either during his previous public career or during his subsequent retirement prior to 1869. Yet with all this lack of what is usually regarded as necessary equipment, to which should be added a notable absence of personal ambition, Mr. Adams makes it clear that Mr. Fish was the author and finisher of the whole great work of this treaty from the start in his own parlors at Washington to the conclusion at Geneva. Controversy over him will rage so long as men persist, as Mr. Adams here does, in attacking and depreciating others associated with him; but this ought not to lead to failure to put due estimate on his chief work or to denial of his full title to the rank of a prudent, forceful, and successful statesman in the high field of domestic and foreign diplomacy.

Of the remaining three papers, importance of contents and space at our disposal dictate notice here of but one—the paper entitled "An Undeveloped Function." This paper of 65 pages is, shortly speaking, an

effort to show the low plane on which the discussions of our gravest public questions have hitherto been conducted, and to point out a remedy. Mr. Adams finds it easy, by a swift review of our Presidential canvasses since 1860 to show the correctness of his criticism. He concludes that "taken as a whole, viewed in the gross and perspective, the retrospect leaves much to be desired,"—a summation evidently not open to the criticism often, perhaps not without a degree of justice, made on Mr. Adams of over-statement. Of the whole development of what we often hear called political thought and education in our Presidential canvasses, our author finally declares with more emphasis and more adequacy of characterization: "It has been at best a babel of the commonplace."

To his own query, "Wherein lies the remedy?" Mr. Adams's answer is a singular one; in substance, this: Assemble the American Historical Association, for example, and there in the thick of the canvass, let its members discuss the great present issues of Trusts, Imperialism, etc., and thus make appeal to the real intelligence of the country. It is hardly needful to specify the impassable hindrances to the application of the remedy, or its inefficacy, if otherwise practicable. But Mr. Adams gives us something far wiser and better than his remedy. He himself proceeds to discuss the so-called burning topics of the day—trusts and monopolies, currency, and imperialism. Passing by the discussion of all but the last, it may be said, we think, without exaggeration, that in 20 pages (pp. 316-335) Mr. Adams has presented the soundest, best-reasoned, and most impressive discussion we have yet had of the essential substance of what we now know as imperialism—its source, its motive, its end, its effect, its necessary final result. In these few pages he moves with the steady, firm step of a master, calling in for reproof and instruction the aptest lessons of history and the safest conclusions of philosophy applied to politics or political concerns. The volume would deserve warm and wide welcome if only for this one score of pages.

Mr. Adams as a writer is not to be praised without reserve. Certain literary and moral qualities which are fair topics for criticism, appear in all he writes. Our space would not permit us here to elucidate this remark, if we were disposed to do it. Nor does it temper the heartiness of welcome with which we receive the volume—a volume which in its whole effect adds to our stock of light and wisdom, and everywhere by its free vision and unhampered tone uplifts and cheers those who would know the truth and be guided by it

D. H. CHAMBERLAIN.

The Life of John Ancrum Winslow, Rear Admiral United States Navy, Who Commanded the "Kearsarge" in her Action with the Confederate Cruiser "Alabama." By JOHN M. ELLICOTT. (New York and London: G. P. Putnam's Sons. 1902. Pp. x, 282.)

THE diligent and painstaking author of this book has done well with his subject. If in certain parts the book seems padded with matters of

humdrum routine common to the career of the average navy man, the author may be pardoned in his effort to give a minute chronicle of the officer's life afloat and ashore, although the bulk of it relates professionally to the uneventful days of peace.

Admiral Winslow came from old New England Puritan stock on his father's side and on his mother's side from North Carolina stock of Scotch strain. He was born in Wilmington, N. C., November 19, 1811, and spent his childhood days there. But his father, Edward Winslow, a Bostonian, sent the future admiral and his brother Edward, in due course of time, to Massachusetts to be educated. While at school, at Dedham, John fortunately attracted the attention of Daniel Webster, who obtained for the lad a midshipman's appointment in the navy. This was in 1827, John then being eighteen years of age. In 1827, after various cruising incident to naval life, he was promoted to a lieutenancy. In that grade he saw much service afloat in the Mediterranean, in the Gulf of Mexico and in the Pacific, as well as brief tours of duty on shore. As an officer of the splendid but ill-fated steam-frigate "Missouri," he saw her suddenly destroyed by fire at Gibraltar, August 26, 1843, and was honored with the appointment as bearer of despatches to the Navy Department reporting that memorable catastrophe to the government. In the Mexican War he was associated at times on terms of intimacy and good fellowship with Lieutenant Raphael Semmes, who was to become his most notable antagonist in our Civil War on one of the most dramatic occasions of that conflict.

Now passing over his further service career until he reached the grade of commander in 1855, we may say that his criticisms in his home letters of Commodore Connor's operations in the Gulf during the war with Mexico might well have been omitted in his biography. He could not know the tenor of the Commodore's instructions and what he wrote in confidence to his wife in disparagement of Connor's actions, should have been regarded as confidential and not given to the public in cold print.

Soon after the outbreak of our Civil War, Winslow was ordered as assistant to flag-officer Foote who had been placed in command of the Union naval forces in the northern Mississippi and its tributaries. In such capacity, Winslow did able and effective work, not only as an organizer but as an energetic and vigilant commanding officer; but when Foote, owing to wounds received in battle, had to relinquish his command to flag-officer Davis, he asked to be relieved and sent to other duty. His request, however, was couched in such terms that both Davis and the Navy Department took offense and he was placed on furlough, a punishment in time of war almost worse than death. But Winslow, keeping his temper, wrote an explanatory letter so satisfying to Secretary Welles that he was soon restored, November 5, 1862, to his proper status.

A month later he received orders to take passage in the "Vanderbilt," from New York to Fayal to take command of the "Kearsarge." Now the opportunity had come to him which he was to improve to his own ineffaceable distinction and lasting glory to the country, but through for-

tuitous circumstances, over which he had no control, he had to wait at Fayal three months and a half before assuming his command. This was on April 8, 1863, and he was charged with the onerous duty of hunting down the "Alabama" and other Confederate cruisers and their capture or destruction. The "Alabama," in particular, was the special object of his quest. For nearly two years she had roamed the seas under the able command of Semmes, and had destroyed a large part of our merchant marine. Welcomed, encouraged and petted in English ports, she managed to evade our cruisers at all points and seemed to have a charmed exemption from every effort to meet her and bring her to battle. Of her call at Simon's Bay, near Capetown, August, 1863, Lieutenant Sinclair of the "Alabama" said in a letter to his mother: "If a Yankee man of war comes in they drive her off in twenty-four hours; and if they complain that they are in want of repairs, the English order a board of their own officers, and they always decide that the repairs are not necessary; but in our case they only say, 'We are glad to see you, old fellows, make yourselves at home, and anything you want let us know.'" That tells the whole story of English officialdom towards the Union cause during the war of which Craven, Wilkes, Pickering, Winslow and others of our captains had ample experience in British waters.

In the fourteen months of Winslow's arduous work of search and blockade, before he was able to bring the "Alabama" to bay, he was constantly harassed by the British authorities, and if he seemed to lose his head diplomatically on one or two occasions and bring upon himself an admonitory letter from Minister Adams, it was not to be wondered at. But all things have an end. On the 12th of June, 1864, Winslow got word that the "Alabama" had put into Cherbourg the day before and he proceeded thither with all despatch. Arriving off the breakwater on the 14th, he steamed in and out of the harbor, getting a good look at the "Alabama" in so doing, and then proceeded to blockade the port. Five days later, or on Sunday the 19th of June, the "Alabama" steamed gallantly out of the harbor to seek her eager antagonist and throw down the grim gauge of battle. The first shot was fired by the "Alabama." This was at 10:57 A. M. Sixty-five minutes later she hauled down her flag in distress and at 12:24 P. M. went to the bottom. To the Confederates had come defeat but not dishonor. Semmes as he was about to go out and engage the "Kearsarge" had written Confederate flag-officer Barron that the "most of combats were always uncertain," and taking the uncertain chance he lost. For a full account of this famous ship-duel, so dramatic in incident, so momentous in import, we must refer the reader to the author's stirring narration. Here Ellicott is at his best, telling the splendid story with technical skill and clearness of detail in a way altogether graphic and admirable.

At this day, it is difficult to conceive the thrill of delight that swept over the loyal North when the news of the "Alabama's" destruction reached the country. Winslow, his officers and men immediately became the heroes of the hour and after the "Kearsarge's" arrival home, they

were fêted without stint. Winslow himself was thanked by Congress and advanced by the President to the grade of commodore. In due season he became rear admiral, his last active service being in command of the Pacific squadron. Fortunate in the opportunity that came to him, his name goes down the stream of time as one of the nation's victory-achieving seamen, well deserving the plaudits of his countrymen.

GEO. E. BELKNAP.

Reconstruction and the Constitution, 1866-1876. By JOHN W. BURGESS, Ph.D., LL.D. (New York: Charles Scribner's Sons. 1902. Pp. 342.)

LOOKING at the Reconstruction period from the point of view of the historian, it is certainly the most difficult in American history. Indeed, there is probably no more difficult subject to be found anywhere in modern history. To arrive at any fixed opinion of one's own concerning the main things that were done is hard enough. It is conceivable that a really intelligent student, possessed of all the important facts, and not without the power of sympathetic comprehension, might fail altogether in this initial part of his work. He might never achieve a view, a theory, a judgment, on which his own mind would rest with any degree of satisfaction, which he could with reasonable conscience and assurance commend to his readers.

Granting, however, that one has come to have one's own views, that one continues to see the matter in the same way, and can see it no other way, to do anything for one's reader is still uncommonly hard. One can of course let him sense the same confusions one has been struggling with. There is a certain content to be got by merely making sure that one has chosen intelligently and set down correctly the important events at Washington and in each of the southern states, no matter what the order or the form is. There is satisfaction, too, in stating boldly one's judgments of the men and the policies. When these things are done, however, nothing is done but the gathering of dry bones together. Perhaps it is enough to satisfy the demands of what Professor Burgess calls "sound political science." It enables one to gratify the liking all scholars have for working problems. It does not satisfy the ordinary reader. The writer, if he be at all artist, if he be completely an historian in his aspiration, can only acquiesce in his own work. He must fall back on his limitations or the impossibility of the larger task.

There is little to suggest that Professor Burgess had the larger task in mind. What he has attempted permits us to think that he did not fall back from it for any lack of courage. He has had the courage to commit himself unreservedly to a theory and a plan of Reconstruction. In the seven pages of his first chapter he announces his creed as boldly as if there never had been an issue over the matter among such men as Lincoln and Sumner and Stevens and Chase. He states his plan in his still briefer preface. Both theory and plan are intelligent. His courage

in so stating them is not diminished by the circumstance that foot-notes are not employed in his review, and that he is under no necessity to supply, that way or any way, the material for controverting his opinions. The remainder of the volume, the last chapter excepted, which deals with one or two questions of our foreign relations, is a fairly clear setting forth of the Presidential and the Congressional policies, always with judgments and discussions. The actual process of Reconstruction in the Southern commonwealths is not followed in much detail. The carpet-bag régime is treated, as Professor Burgess tells us it should be, only in the vaguest outline. It is best, he thinks, to deal with it "briefly and impersonally," avoiding criminations and seeking only lessons of warning. There is no attempt at narration, no painting of conditions, no concern about such things as atmosphere, little psychology, no drama. Of these things, apparently, "political science" can take no account, if it is going to stay "sound." It is all statement and reasoning; forcible, but hard; relieved by no grace of style, suffused with no tenderness, charged with no enthusiasm. It is a book which makes one question the relation of political science to life. Yet there is no event, no law, no theory discussed in the body of this work which did not relate itself closely to the lives of countless men and women and children, dead, and living, and unborn.

There are many of the specific conclusions which invite comment; some of them occasion surprise. For example, Mr. Shellabarger, of Ohio, is credited with something like leadership of the Republicans in Congress when they came to plant themselves on a theory. Mr. Blaine's opinion that Seward's influence determined President Johnson's course is accepted, though it is not sustained by the testimony of those who came closest to the President. Professor Burgess seems to think there actually was a danger that the Southern congressmen chosen under the Johnson governments, uniting with Northern Democrats, might get the Confederate debt assumed and the Union debt repudiated. He says, at least, that the danger of these things was "somewhat exaggerated." One would expect the American sense of humor to have asserted itself by this time on that particular point, even if one never ventured so far into the consideration of human motives as to perceive that the course marked out for the Northern Democrats, in that extraordinary foreboding was, humanly speaking, impossible. Stanton is condemned very plainly for his holding on to his place against Johnson's will. Here, for once, the author's positiveness is acceptable. He is equally positive that two-thirds of the states which had not attempted to secede were enough to ratify the amendments. He is at pains to be fair to Andrew Johnson, and does not go too far in what of praise he has to say of our most unfortunate President. His judgment seems as good as his courage when he praises Hayes and commends his administration. On that point, the few students of this very recent period seem to be approaching a consensus. *Per contra*, he says of Grant's argument in favor of annexing San Domingo that "it would be difficult to find another message of a Presi-

dent of the United States which contained an equal amount of such extravagant nonsense."

W. G. BROWN.

Éléments d'une Psychologie Politique du Peuple Américain. Par ÉMILE BOUTMY. (Paris: Armand Colin. 1902. Pp. x, 366.)

THIS book is a companion to M. Boutmy's *Psychologie Politique du Peuple Anglais au XIX^e Siècle*, and like that it is interesting and suggestive; but it is a better book, for the different parts are more closely connected by a central idea, and there is less that is purely fanciful or exaggerated.

The author begins with a review of the work of Bryce and de Tocqueville, defending the latter against the criticisms that have lately been made upon him. Bryce's work he finds, as everyone else does, admirable; his only criticism being that Mr. Bryce confines himself too exclusively to portraying the facts, and attempts too little to study the psychology of the people. The criticism is doubtless based upon a truth, but whether Mr. Bryce's book would have been improved by the method of analysis suggested may be doubted.

The kernel of Mr. Boutmy's thought is found in the opening pages of his second chapter, where he says that among the essential conditions for the formation of a nation are the existence of a stable population, and its effective occupation of a definite territory. These conditions, he points out, are not to be found in the United States; and, in fact, he attributes the prevailing character of the American people to the continual migrations of the individuals of which it is composed, and to the unlimited land to be occupied in the western territory. "The source," he remarks (p. 26), "of every impulse to which the will has been subjected, and the matrix of every impression received by the character, are here the obvious necessity, the compulsion, if one can use the word, to reconnoitre, to occupy and to utilize this immense territory. This necessity furnishes, in a measure, to the imagination its notion of sovereign good. All other motives efface themselves before it, or impregnate it. In a word, the United States are above all an economic society. They are only in a secondary sense an historic and political society."

This theme he works out in many different phases. He describes the original settlement of New England and of Virginia, the beginnings of the movement towards the west, with the growing instability of the population consequent thereupon, the influx of European immigrants into the eastern states, and the sparse settlement of new regions in the west; all tending, as he thinks, to prevent the growth of uniform national characteristics, and true national feeling.

He discusses at some length the question of immigration, pointing out that all the different classes of persons who have come to America have tended to increase the homogeneity of the people in spite of differences in race, origin and character. The earlier ones, even down to the middle of the nineteenth century, were, he says, at least alike in the vigor of their will, their spirit of adventure, and the desire of gain;

while the more recent immigrants who have been of a feebler fibre, have, for that very reason, been the more ready to receive the impress of the surroundings among which they have fallen.

In the third chapter he points out how much more ancient the conception of the nation is in Europe than in America, and in following out this idea he comes nearer to the fanciful than in any other part of the book; for he says that the Americans have not the same feeling of patriotism as Europeans. That sentiment, he says, does not appeal to their imagination, their public spirit being based rather upon a superabundance of individual energy and an enlightened conviction of self-interest.

In the fourth and fifth chapters on "The State and the Government" he makes the remark, which contains no little truth, that the European states and the American Republic belong to two distinct natural species, so that grafts from one to the other are highly likely to remain sterile. He goes on to point out that in France royalty made the nation, and the nation made the individual; whereas in America it is the individual who has made and marked off the functions of the state. The theory is developed, as the reader may well imagine, at great length and under many forms, which it is impossible to describe in the space of this review. It is brought into connection with the thesis already propounded, that the United States is first and foremost an economic and not a political society. It would be interesting, if possible, to refer to many of his deductions. Some of them are very keenly put, as, for example, where he says that the checks and balances of power which have been represented as the marked trait of parliamentary government in Europe, are really only secondary and transitory. The real aim and crown of the system is the intensity of power, the authority and firmness of hand of the government due to the confidence which it draws from its manifest accord with the people. He points out, of course, that the American system is founded on exactly the opposite principle. In the course of his discussion he makes many interesting observations upon the organization of our government, state and national, and here he falls into occasional mistakes, especially in matters of law. He does not quite appreciate, for instance, the binding effect of decisions as precedents which practically enable a court to settle the law by a single case which is brought before it; nor does he seem to understand the meaning of the decisions of the Supreme Court on the protection of civil rights under the Fourteenth Amendment. He sums up the difference between the French and American ways of looking at the government with his usual terseness. The Frenchman says: "Let us rather be governed badly than not governed at all," while the American says: "Let us be as little governed as possible, rather than be governed badly;" and speaking of the conservative tendency of our government he remarks that under the present organization the states find themselves under the most anti-progressive system which can be imagined. The chapters end with a discussion of the importance and the principles of local government.

The sixth chapter contains an interesting discussion of religion and ideals in America. There is not space to describe his views here, but merely to explain that he thinks the Americans lack inspiration in their religion, which has rather an ethical and practical, than a theological and imaginative, character.

The last chapter is devoted to imperialism and the Constitution, and in it he points out that the desire of expansion is not new in America, but is the outcome of a policy followed constantly for more than a century, and has its foundations in the most undoubted traditions of the American spirit. Hence, he believes it will not upset the institutions and traditions of the country, because in its essence it is not inconsistent with them.

A. L. LOWELL.

Japan: Its History, Arts and Literature. By Captain F. BRINKLEY. [Oriental Series.] (Boston and Tokyo: J. B. Millet Co. 1901. Vols. I.-VI., pp. 260; 286; 256; 267; 260; 301.)

UNTIL the Japanese write scientific history, we must rely upon those foreigners, who to mastery of the sources add industry and insight, for an intelligible picture of Japanese life in the past. While it is unsafe for a native at home to dissect ancient legends, the alien has free play. Happily we have here the work of one who began thirty-five years ago, in Japan, to acquire the language, striving to interpret the life around him by a knowledge of origins. These six volumes from his pen, to be followed by six more, form probably the best work that could at the present time be produced. To the three names, all of Englishmen, who are the "great lights of Japanese scholarship" to whom Captain Brinkley dedicates his work, we may justly add his own. Though subordinate to artistic features, Japanese history is here quite fully treated both with power and insight in this sumptuously illustrated work, which is to be completed in twelve volumes. Except some general notes in the appendix to each volume, there are no references to authorities. In so far the work lacks that guarantee, which the exacting critic demands. However, with the general lack of knowledge of original Japanese sources among Occidental readers, it is hard to see how references could be supplied, especially in a work like this. Those who know the author's breadth and depth of scholarship and the saturation of his mind with Japanese ideas, as well as his cosmopolitan experience and acquaintance with modern critical methods, can read these volumes with satisfaction. Not that Captain Brinkley is infallible, for on American references and illustrations, we find ourselves compelled to make allowance occasionally for parallax. There are not a few places, also, in which he ought to have given us exact translations of important brief documents or passages. Furthermore, as history, the work is seriously lacking in not allowing for that continuous fertilization of the Japanese mind through contact with Europeans, and the continuous infiltration of Occidental ideas through the Dutch, in which was scarcely an intermission for nearly three centuries. Even before the arrival of Perry these had produced a small army

of physicians, critical inquirers and men hungry for more knowledge from the west. Nor is any allowance made for the influence of ideas derived from the work of Iberian missionaries during eighty years, which certainly modified powerfully the Shinto and Buddhist sects, besides keeping up continuously a subterranean history of Christianity in the islands. Yet on the whole we know of no other writer in any country who could have woven this history with such richness, color and accuracy. Moreover the pages show the practised pen of the veteran editor of *The Japan Mail*.

The author's method is first to get behind the looking-glass of popular Japanese tradition (which has served so handsomely as the age-old political engine for unifying the nation and restoring the imperial power, yet furnishing withal a motor for modern progress) and then to step out into the modern world of scholarship and tell what he has found. Until the fourth century the Japanese were without letters or almanacs. Their two most ancient books, written respectively A.D. 712 and A.D. 720, while containing material for history, are mostly compilations of myths and traditions. The *Kojiki* in pure Japanese is an artless narrative. The *Nihongi* is woven together with Chinese philosophy and classic quotation—or plagiarism. Captain Brinkley's conclusion, in harmony with that of probably every critical scholar, is that "among many borrowings made by Japan from China, the idea of her 'age of Gods' has to be included." In a word the earlier historiography of the island empire is largely a reflection of models borrowed from China. The rise to power of the house or clan, of which the chief was called the Mikado, and the fluctuations of his measure of power constitutes in epitome Japanese history. Chinese arts and letters were the first influences making for culture, but Buddhism was the great civilizing, centralizing and unifying influences. The author's clear demarcation of each epoch—prehistoric, early historic, Nara, Hei-an or Kioto, the military, the Tokugawa—and his keen appreciations of each feature and influence are delightful to the scholar. Epitomizing the social, moral and legal aspects of the Yedo epoch (1604–1868), which of all is best known to foreigners, he surveys rapidly the era of Meiji, or enlightened government, that is, the reign of the present Emperor (1868–1902 +). He then opens before us the financial and economic conditions, foreign politics, steps of progress, creed and caste, religion and rites, and superstition, closing with descriptions of the festal and ceremonial side of life and the history of foreign commerce.

One is impressed in reading this story of Japan with the resourceful power of the Japanese, with their originality, and their ability to make much out of little,—whether in the way of enjoyment or of business, or of equipping themselves for modern struggle and the challenges of the future. Confucianism, Buddhism and Bushido (the school of the knight) have been the great culture elements. Chivalry in the Samurai and their wonderful arts, from which the whole world now gladly learns, are the consummate flowers of their genius.

Volume VI. contains an analytical index of the whole work as thus

far issued, together with a large colored map showing the old empire with the modern railway routes and also the newer possessions of Formosa and the Kurile Islands. In the list of emperors, of whom one hundred and twenty-three are counted, the earlier are noted as legendary, the first seventeen being extraordinarily long lived and purely mythical. The dates of the reign and relation of each ruler to his successor are given, together with a list of the shoguns and a table of dates with list of gods and goddesses and celebrated characters in Japanese history. Three volumes on the arts of Japan especially indexed and three on the history and arts of China from the same author are to follow.

WILLIAM ELLIOTT GRIFFIS.

Historical Sources in Schools; Report to the New England History Teachers' Association by a Select Committee. (New York, The Macmillan Company, 1902, pp. ix, 299.) This in a degree is a companion volume to the *Report of the Committee of Seven* which appeared three years ago; it is published by the same firm and in the same general form as the earlier report. In addition to a general introduction on the use of sources in the schools, a list of accessible sources covering the field of history is given, with valuable comments on the character and usefulness of the material in question. The committee follows the division recommended by the Committee of Seven, and has consequently made a general grouping under the four heads: Ancient History; Medieval and Modern European History; English History; American History.

Concerning the extent to which sources can be used, the report fortunately takes the middle ground, it does not advocate abandoning the use of a text and studying from the sources alone in the secondary schools. Probably few teachers believe that pupils can be taught successfully without the use of a text book. But there are a great many still in existence who think that sources cannot be used at all; such teachers ought, in fairness to their pupils and their profession, to ponder the introductory pages of this volume and remember that, if they are intent not simply on cramming boys for entrance examinations but on fitting them for life, they are losing opportunity for making their subject really a thing of living interest. The book may also be commended to those—erstwhile known as teachers of history—who do not quite know what sources are, in other words are ignorant of the essential character of the subject they profess to teach.

A great deal of hard work has been expended in the preparation of this volume, and the labor will not be lost. That the comparatively untrained teacher may be overwhelmed by the wealth of suggestion is certainly quite likely; and perhaps even farther discrimination should have been made between what is of possible service and what is vivid, direct and positively helpful. To discourage and burden a pupil by unintelligent reference to a document beyond his thoughtful comprehension, is apt to be a very dangerous error. But after all, must books forever be made for untrained teachers who must make the acquaintance of the tools of their trade after they begin active practice?

The Trend of the Centuries : or the Historical Unfolding of the Divine Purpose, seems to describe fairly a recent book by Rev. A. W. Archibald, D.D. (Boston and Chicago, the Pilgrim Press, pp. 419). It is the title chosen for a series of twenty chapters, originally discourses, whose common object is to set forth the idea of "God in history," and thus remove doubt and strengthen faith in an overruling Power. They begin with a survey of the field: "The Whirling Wheels of Divine Providence"; and then march hurriedly through the ages to "The Triumphant Nineteenth Century."

E. W. D.

Encyclopædia Biblica. Edited by T. K. Cheyne and J. S. Black. Volume III. (New York, The Macmillan Co.; London, Macmillan and Co., 1902, pp. xvi; columns, 3,988.) For notices of Volumes I. and II. see this REVIEW for April, 1900, and July, 1901. The present volume (which beginning at L goes through the letter P) is rich in historical material; only the longer articles can be mentioned here. Taking these in chronological order, we have, first, a general geographical sketch of Palestine (by Socin, W. M. Müller and others), in which is given, among other things, a list of the Palestinian places named in the Egyptian inscriptions that can be identified. A separate article is devoted to Phœnicia (by Ed. Meyer), in which it is attempted to give an accurate statement of what is known of the beginnings of the Phœnicians—a point on which there has been much vague writing; all that can be said with certainty is that their cities existed as early as the fifteenth century B. C. Meyer gives also a clear and judicious account of their religion, which was substantially identical with the other Canaanitish cults (including the early Hebrew), yet with features of its own. There can be no reasonable doubt that the Phœnicians were Semites. On the other hand, of another interesting and much-discussed Biblical people, the Philistines, it seems to be true that they were non-Semitic; such is the view taken in the article devoted to them (by G. F. Moore), which favors the theory of W. M. Müller that they came from the coast of Asia Minor, and were a warlike and not uncultivated people. There is a good deal to be said for this theory; but, in the absence of definite information, it is safer to reserve opinion—the name "Philistine" and other points about the people are obscure; by a curious chance they have given the country its name "Palestine." In the article "Mizraim" (by Cheyne) there is reference to a notable geographical and historical hypothesis that has lately come to the front. "Mizraim," or more properly "Misraim" (Arab, "Misr"), is the ordinary Hebrew term for Egypt; but the Assyrian inscriptions reveal a Musri in North Arabia, and attempts are being made to refer to this latter much in the Old Testament that has been held to refer to Egypt, one scholar asserting that the Israelites never were in Egypt, and that their exodus was from Arabia. Apart from such violent suppositions, the Arabian Musri sometimes throws light on the Old Testament statements, but the scantiness of the data warns us to be cautious. In connection with the North Arabian region Cheyne in va-

rious articles undertakes an historical reconstruction of "Jerahmeel," a clan or tribe in Southern Canaan, finally absorbed by Judah, and he substitutes this name for others in a number of cases (for example, for Elijah, Elisha, Gog, Nimrod); such substitutions the reader must take as conjecture, not as history. Under the title "Mesha" there is a full account of the famous Moabite Stone (by Driver). In the article on Persia (by F. Brown and Tiele) we have the latest results from inscription, and in that on "Papyri" a statement (by Deissmann) of the recent remarkable finds in Egypt. The Maccabean history is treated at length (by C. C. Torrey) — a period of great importance. Other articles of historical interest are those on "Magic," "Music," and "Names." It is worthy of mention, as an illustration of the critical hospitality of the *Encyclopædia*, that a portion of the article on the Apostle Paul has been assigned to van Manen, a leading representative of the school (mostly Dutch) that denies the existence of any genuine writings of Paul.

C. H. T.

Roman Constitutional History 753-44 B. C. By John E. Granrud. (Boston, Allyn and Bacon, 1902, pp. xii, 294.) In writing this handbook, which appears in Allyn and Bacon's admirable "College Latin Series," it has been the author's purpose "to provide collateral reading for students of Latin, to supplement the ordinary school histories of Rome, and, especially, to furnish an introduction to a thorough study of the political institutions of the Roman republic." With this threefold end in view he has given us a lucid and well-articulated account of the development of Roman institutions to the death of Julius Cæsar, combining in its arrangement both the historical and the systematic point of view and noticing many of the economic, personal and other factors in the changes described. As the author confines himself to the straightforward statement of results and makes no attempt to discuss disputed questions, to cite the sources of our knowledge or to introduce the student, even by means of a brief bibliography or an occasional foot-note, to the literature of the subject, one can hardly help asking whether his book will satisfy any general need. Students who have advanced beyond the point where their questions can be answered by one or another of the text-books already available might perhaps better be referred to Mommsen or to a purely systematic account like Greenidge's *Roman Public Life* recently noticed in this REVIEW. If, however, there is a demand for another compendium of Roman history, with special reference to public law, one can only anticipate that Dr. Granrud's book will win the approval that it deserves on the score of its logical arrangement, its unaffected style and its completeness within its assigned limits. One might perhaps wish that it went further and included a brief account of the Augustan constitution, because this and not the monarchy of Julius Cæsar was the final settlement of the long revolutionary struggle to which the author naturally devotes almost half (and quite the better half) of his book. In his treatment of the earlier period

he has not sufficiently emancipated himself from the influence of Livy and of the hazardous constructions to which Mommsen gave the weight of his authority. We even find the story of the expulsion of the Tarquins and the legend of Virginia told as if they were presumably true; and the patricians again do duty as the only original citizens of Rome, although Botsford's admirable text-book has already acquainted many of those for whom Mr. Granrud's book is intended with the more reasonable view, that the plebeians were from the start as truly members of the body politic as, for instance, the commons in every period of English history.

H. A. SILL.

Town Life in Ancient Italy (Boston, Benj. H. Sanborn and Co., 1902, pp. 62) is a translation by William E. Waters of New York University, of Professor Ludwig Friedländer's "Städtewesen in Italien im ersten Jahrhundert," originally published in the *Deutsche Rundschau* in 1879 and since then reprinted as an introduction to the author's edition of Petronius. It has chapters on the appearance and condition of the towns, on municipal government, on social classes in the rural cities, on the fiscal management of rural cities and on their popular amusements, religious observances and relations with Rome. The original, written from the sources, to which full reference is made in the footnotes, is filled with interesting details of the everyday life in the Italian towns during the first century of our era. There is presented in attractive form and with scholarly accuracy the sort of information that the average student needs. It is well worth translating for the benefit of our school and college students who have so little insight into the actual life of the Romans about whom they read in the classical texts. It appeals also to the interest of readers of history in general as covering in an attractive way a field but little touched upon by English or American writers.

The translation is a readable one and in the main well done, though a few inaccuracies may be noted. On page 28 the "had been reduced" is a somewhat ambiguous rendering of "er habe klein angefangen." The failure also to cite a definite number of millions left by the parvenu spoils the point of Friedländer's observation in the next sentence in regard to the eagerness of the freedman to leave on his tombstone an exact record of the amount of his accumulations. The sentence on page 20 beginning, "The number of those," etc., does not correctly interpret the original.

J. H. D.

Roman Africa: an Outline of the History of the Roman Occupation of North Africa, based chiefly upon Inscriptions and Monumental Remains in that Country. By Alexander Graham. (New York, Longmans, Green and Co., 1902, pp. xvi, 326.) The literary sources for the history of North Africa during the Roman period are meager. They surprise the reader occasionally by references to the fertility and wealth of the country, but give no just conception of the greatness of the territory under Roman rule, the density of its population in the more

avored regions, or its resources. Since the French occupation, which commenced with the capture of Algiers in 1830, every facility has been afforded for scientific exploration and excavations have been conducted on many ancient sites. The extent of the Roman dominion, which reached to the oases in the northern part of the Sahara, has been definitely determined, and a great amount of detailed information has been collected; when the second supplement to the eighth volume of the *Corpus Inscriptionum Latinarum* was issued, in 1894, the number of published African inscriptions was already more than 20,000, and each year since has made important additions to the list. The remains of Roman buildings of a monumental character at the present time are more numerous in North Africa than in any other part of the Empire outside of Italy.

Mr. Graham has endeavored, by utilizing both literary and monumental sources, to reconstruct in broad outline the history of Roman Africa from the close of the second Punic War to the latter part of the fifth century of our era. He follows the chronological order strictly; of the ten chapters the first treats of Rome and Carthage, the second of Africa under the Twelve Cæsars; the rest are concerned with the condition of the country in the reigns of Trajan, Hadrian, Antoninus Pius, Marcus Aurelius, Septimius Severus, Alexander Severus, the Gordians, and the later Emperors. Brief descriptions of the vanished cities, and comments upon intellectual and social conditions in the Roman period, are woven into the narratives of the different reigns; to many readers the author's fresh and suggestive observations upon the Roman monuments and methods of construction will be of especial interest. The illustrations are of value. The two maps are quite inadequate; they are not sufficiently full, and the omission of all modern names is not offset by the separate list of ancient names with modern equivalents.

The author possesses the advantage of long familiarity with the country about which he writes, having traversed parts of it again and again. His material is on the whole well selected; his work is deficient in historical perspective and clearness of analysis. Though inscriptions are among his chief sources, he is not altogether reliable as an epigraphist; he occasionally uses antiquated and erroneous versions of important inscriptions in cases in which correct versions are easily accessible; instances in point are the dedications of the arches at Tripoli (p. 156; cf. *C. I. L.*, VIII. 24) and at Makter (p. 79; cf. *C. I. L.*, VIII. 621). But notwithstanding its shortcomings the book is welcome as filling a lacuna in our English literature of ancient history. It is fuller than the French work with which one naturally compares it, Boissier's charming *L'Afrique Romaine* (Paris, 1895), and will be consulted with profit by those who find it impracticable to resort to the original sources.

FRANCIS W. KELSEY.

La Liberta Religiosa. Per Avv. Francesco Ruffini, Prof. ordinario nell'Università di Torino. Volume I. Storia dell'Idea. (Turin,

Fratelli Bocca, 1901, pp. xi, 542.) The present volume is devoted to the development of the idea of religious liberty from the days of classical antiquity to the close of the eighteenth century; the second volume is to deal with the growth of religious liberty itself during the nineteenth century. The work is an elaborate, comprehensive and painstaking treatment of the subject in hand.

After an introductory chapter in which the fundamental conceptions—liberty of thought, of conscience, of worship, toleration, etc.—are carefully discriminated, the ideas that prevailed in classical antiquity, in the ancient and medieval church, and among the reformers and Socinians are presented in a chapter entitled "The Precursors." The views of the several reformers are accurately distinguished, the failure of the churches of the Reformation to grasp the idea of religious liberty is recognized, and the Socinians are given full credit for their advanced position in the matter. An interesting chapter follows on the influence of Holland in promoting the principles of religious liberty, and the remainder of the volume—more than two-thirds of the whole—deals with the development of those principles during the seventeenth and eighteenth centuries in Protestant and Catholic countries, respectively. The comprehensiveness of this part of the work is sufficiently indicated by the titles of the sections: "English Independency"; "The School of Natural Rights in Germany"; "American Separation"; "The Growth of Tolerance in Switzerland and Scandinavia"; "French Rationalism"; "The Episcopal Movement (for local autonomy) in Austria"; "Rationalism and Episcopalianism in Poland, Belgium and Italy."

The work is an exceedingly valuable contribution to the literature of the subject, breadth of treatment, clearness, and convenience of arrangement being among its most conspicuous merits.

A. C. MCG.

Weltgeschichte seit der Völkerwanderung. By Theodor Lindner, professor in the University of Halle. (Stuttgart, J. G. Cotta, erster Band, 1901, pp. xx, 479; zweiter Band, 1902, pp. x, 508.) Preceded by *Geschichtsphilosophie: Einleitung zu einer Weltgeschichte seit der Völkerwanderung* (1901, pp. xii, 206). These are the first installments of a history of the world since the migrations, in nine volumes, by a single writer. Since he has occupied himself with history—and that is near four decades—he has looked upon the investigation of details only as a means of gaining a picture of the whole. Not that he holds investigation of details lightly, for upon it rests all real historical knowledge; but his writings of that order, and a long experience in teaching—in which one has always to keep high points of view and look out over the whole field—now give him right, he hopes, to enter upon this general work. Also, the chief matter in such a work is that it be uniformly conceived; and that can only come through one person, if general history is to offer more than a mere putting together of special histories. Thus, in part, Dr. Lindner justifies his undertaking.

The little volume of philosophy sets forth the fundamental thinking on which the history rests. It grew only slowly to its present state: written in a first draft years ago, then tested, developed and made clearer with long use, only recently — in the midst of increased interest in synthetic studies and under the stimulus of a richly extended literature upon the questions involved — has it been rounded out and put together in a final form. It does not offer a full treatment of all problems of historical philosophy; rather it aims simply to present, in one coherent piece, the writer's conception of history. "The leading thought was, to trace the evolution back to simple ground-facts which are to be seen in all times and among all peoples; ground-facts, which yet also show why history is everywhere different. For that seems to me the real problem: the rise of difference from like causes." Persistence and change we have always with us; history deals with man as a whole and is "the relation between persistence and change."

Such being the foundations, quite naturally "this History shall relate and make clear the becoming of our present world, in its entire content. It is conceived primarily as evolution-history." The introduction and four books of the first volume deal respectively with the Roman Empire and the Germans, through the invasions; the Byzantine Empire, to Heraclius; Islam, to the beginning of the ninth century, and the Byzantine Empire in the time of the struggle over images; the West, to the tenth century; China and India. The chief divisions of the second volume relate to the decline of Islam, the Byzantine world and the Crusades; the German emperorship and the papacy, and the western states, into the thirteenth century. The third volume will describe the Christian civilization of the Middle Ages, and carry the political history to the building of the Hapsburg power; the fourth will deal with the period of the Renaissance and the Reformation; and the five last will be devoted to modern history since the middle of the sixteenth century. Also each volume contains a table of contents, a digested list of the more important references, and an index of persons and places.

It seems bold for an honorable scholar to try a book like this, but the parts that have appeared so far give promise of an enduring work. It is fully thought out; it tells the truth sincerely as a gifted and experienced student sees it, and is of wholesome spirit. Besides, it reads well; the words fit closely and the sentences run gracefully. Such a record, though long, will have many readers and will be worthy of them.

E. W. D.

The second fascicle of the *Sources de l'Histoire de France*, by M. Auguste Molinier (Paris, A. Picard et Fils, 1902, pp. 322), covers the Capetian period from 987 to 1180, with chapters as follows: "Hugh Capet to Philip I."; "Letters and Poems of the Eleventh Century"; "Local History: Capetian Domain, Regions of the West, East, Center, South, Lands of the Empire, and North"; "Louis VI. and Louis VII."; "Letters and Poems of the Twelfth Century"; "The Great Norman

Historians"; "English Historians of the Twelfth Century"; "Monastic Orders: Cluny, Cîteaux, and The Small Orders"; "The Normans in Italy"; "The Crusades, First and Second"; and "The Universal Chronicles." The scholarly features of the first fascicle also appear here: completeness, careful indications, clear arrangement, satisfying explanations, trustworthy judgments; there can be no student of the history of France who does not owe M. Molinier a lasting debt. It is welcome news, too, that this manual, which was to stop with the beginnings of the Italian wars, is now designed to go on to 1815; MM. H. Hauser, M. Tourneux and P. Caron are to deal with the period after 1494. E. W. D.

Geschichte des ersten Kreuzzuges. Von Reinhold Röhricht. (Innsbruck, Wagner'schen Universitäts-Buchhandlung, 1901, pp. xii, 268.) During the last thirty years much critical study has been devoted to the first Crusade but there has been no satisfactory history of the whole movement. Sybel's *Geschichte des ersten Kreuzzuges*, published in 1841, was an important book to which all later students have been indebted. But in the second edition, published in 1881, Sybel made comparatively little improvement on the first, and neglected to use the work of other scholars who had shed light upon many a doubtful point. The third edition, published in 1900, is merely a reprinting of the second. No other work on the first Crusade deserves mention. Consequently it was natural that Röhricht's friends and admirers should urge him to undertake the task. For many years he has been known as one of the best authorities on the history of the Crusades. But until a few years ago he had written mainly on subjects connected with the Latin kingdom of Jerusalem. His most important work is the *Geschichte des Königreichs Jerusalem* (Innsbruck, 1897). He had not, however, neglected the study of the earlier period and was thoroughly conversant with all the special works of the last few decades.

He has fulfilled this task in the same manner in which he wrote his history of the kingdom of Jerusalem. He has given a careful and detailed account of all the important events. With a few exceptions the narrative is strictly chronological. It forms a vast repertory of facts with full references for almost every statement. In the notes, instead of citing at length all the sources, he has frequently economized space by referring to special works, such as Hagenmeyer's *Peter der Eremit*, with whose conclusions he agrees.

Naturally there is very little in the book that is new. It is, however, a thorough study of the whole subject; and sometimes Röhricht has added the weight of his opinion as to the decision of some disputed point. For example, he believes with Hagenmeyer that the Emperor Alexius did summon the crusaders; Chalandon, in his study of the reign of Alexius (Paris, 1900), and Diehl, in his essay in the *International Monthly* (June, 1902), deny this emphatically. The argument in this book has strengthened the position which Hagenmeyer and Röhricht

hold. It is interesting to note (pp. 57-58) that Röhricht makes the Emperor's change of heart, with regard to the desirability of aid from the west, date from the actions and fate of the disorderly bands which preceded the real armies. To sum up, this work is "a plain, unvarnished tale" of facts and is of interest only to students. For them it is invaluable, as the same information, with its fullness of bibliographical references, cannot be obtained anywhere else. For those who are familiar with Röhricht's work it is sufficient to say that this is marked by his well-known accuracy and wide research.

Of the four excursuses, the first, "Zur Vorgeschichte des Kreuzzuges," had already been published in a *Programm* of the Humboldt Gymnasium. But, because of its usefulness, it is well to have it reprinted here in more accessible form. The second discusses Urban's speech at Clermont and gives an analysis of the accounts of the four principal authorities. In agreement with Hagenmeyer, Röhricht styles these four "Ohrenzeugen." Three of them certainly were, but neither Hagenmeyer nor Röhricht has given references which prove conclusively that the fourth was. The third excursus cites the passages relative to the *weissagende Gänserich* which is said to have led certain bands of pilgrims. The fourth is the account of Antioch by Ibn Butlan, already published in English by Guy Le Strange. Three indexes of persons, places, and things, respectively, complete this admirable book.

DANA CARLETON MUNRO.

The Evolution of the English Bible. A historical sketch of the successive versions from 1382 to 1885. By H. W. Hoare. Second edition. (New York, E. P. Dutton and Co.; London, John Murray, 1902, pp. xxxii, 336.) That a second edition of this book should have been demanded within a year indicates a popular interest in the subject. The author considers the development and influence of the Bible in its various English translations as part of the national life. A graphic picture of the English Reformation is set before us and the story of the growth of the English Bible is told in a manner more acceptable to the general reader than it is in the more technical works. The volume contains several portraits, facsimiles from old Bibles, and a convenient chronology.

The obvious errors are few, but such a misprint as "1470," for "1477" (p. 118), referring to the introduction of printing into England by Caxton, should not have been overlooked in the revision. As an appendix, there has been added to this edition a three-page bibliography, which needs more of an apology than it receives in the preface. It was apparently slipped in as an afterthought without arrangement or verification. Quotation marks are hardly appropriate to titles which have been twisted from their original form, and such errors as "T. Wycliffe" for "John Wycliffe," "G. Lovett" for "Richard Lovett," and "Baxter's Hexapla" for "Bagster's Hexapla" are inexcusable. To furnish a good bibliography as well as an index with any serious work is an obligation due from the author to his subject and to his readers.

Even the most meager list of authorities should give the place as well as date of publication, and the title and description should be sufficient to identify the reference without question.

In this second edition, published in March, 1902, some mention might have been made of the American Revision, which appeared in August, 1901.

BYRON A. FINNEY.

Florenz und die Mediceer, by Professor D. Eduard Heyck (Bielefeld and Leipzig; Velhagen und Klasing, 1902, pp. 186), one of a series of *Monographien zur Weltgeschichte*, will be welcomed by those who wish to possess an admirable collection of Florentine pictures at a low price. The text does not aspire to originality; indeed, the book is recommended as "an illustrated guide and handbook for the city and its celebrated collections and galleries." The title of monograph in this connection, shows a widening use of the term, which may be brought eventually to cover such products of research as Baedeker.

M. W.

The Medici and the Italian Renaissance, by Oliphant Smeaton [World's Epoch Makers] (New York, Charles Scribner's Sons, 1901, pp. x, 286), is an informal and popular presentation of Florentine history, with such Roman additions as are justified by the migration of the younger Medici into the Curia. Among the pleasing features of the book is the evidence it affords of the increasing number of readers who are interesting themselves in the Renaissance. Attractive as that period unquestionably is, it is no easy task to treat it in a popular manner, and Mr. Smeaton has chosen the best method, in making the Medici the central figures of his book, grouping about them the lights of the age, artistic and literary, and subordinating the interplay of political forces, French, Spanish, and German, which could only serve to complicate hopelessly the subject.

M. W.

Essai sur l'Origine de la Noblesse en France au Moyen Âge. Par P. Guilhaume. (Paris, Picard et Fils, 1902, pp. 502.) The author enters a field of discussion in which many battles have been fought. He realizes, apparently, that a new work must justify its existence, for he has fortified himself behind an extensive and elaborate bulwark of citations and references. In fact, the book is a model of logical arrangement and close reasoning upon a single topic in the history of feudal society, while at the same time the whole subject is reviewed in the light of present knowledge.

"La noblesse" is defined as a social class to which the law accords hereditary privileges on the ground of birth alone. The discussion confines itself to this class, disregarding any forms of aristocracy based on politics, wealth or influence. This privileged nobility of birth came to an end in the French Revolution. The firm establishment of the class is placed by the author in the twelfth century and he shows the process by which it was developed out of preceding conditions. He argues that the

hereditary nobility of the late Roman Empire did not furnish the basis of the medieval class, for its legal rights were suppressed by the Germans. Neither can the nobility of France be traced to a Germanic continuity, for no trace of an hereditary privileged class can be found in the laws of the Franks. Here is one of the most difficult points, for, in view of the existence of a nobility of birth among their neighbors, the Bavarians, the Saxons, the Frisians and the Angles it is hard to believe that an analogous class did not exist also among the Franks. Yet the line of development clearly shows that the later nobility was an outgrowth of chivalry. Chivalry, or the military service of royalty, was a fusion of two elements, the early servant vassals, and the free Franks. The legal position of these factors combined with honorable service eventually brought about class privilege based on descent. The author confines his work to the origins of nobility and does not attempt to treat of its later medieval history.

J. M. VINCENT.

L'Église et les Origines de la Renaissance. Par Jean Guiraud. (Paris, Lecoffre, 1902, pp. 339.) The present volume is one in a series of manuals of instruction in Church history now in course of publication. The series counts several of the best known names among Roman Catholic scholars, such as Mgr. Duchesne, Paul Allard and Imbart de la Tour. Its general purpose is to furnish something that shall be on a higher plane than the mere text-book and shall popularize the results of more elaborate treatises. This purpose is fairly answered in the work of M. Guiraud. His thesis is taken from the leaders of modern Roman Catholic historical writing, whenever they have had occasion to touch the subject of the Renaissance. It is that the Church, by which M. Guiraud understands the papacy, was among the great promoters of the intellectual and artistic movement which prepared the way for the Reformation. In support of this thesis he gives in a series of chapters, each devoted to one pope or a group of popes, a review of the scholars and artists who found their welcome at the papal court. He enumerates the buildings planned or carried out under papal auspices, the paintings used in their decoration, the literary works dedicated to popes or prepared at their suggestion. He draws his material from a wide range of good sources, and there is no serious question as to the essential accuracy of his statements. From this point of view, the array of trustworthy illustration, the volume is a worthy companion to its predecessors as a useful guide to students.

Our question must come on the bearing of all this on the real attitude of the Church towards the real Renaissance. If the Renaissance was nothing more than a sentiment of enthusiasm for antiquity, which resulted in the painting of better pictures and the writing of better Latin sonnets, then we might all agree that the Church as represented by the papacy was one of its most ardent supporters. As a worldly power among others the papacy had to keep up its court, build its buildings, maintain scholars as a part of its stage setting and all the rest of it.

But if the Renaissance was a true awakening of the spirit of inquiry, fearless of all consequences, then all this artistic activity was merely the superficial display that might or might not lead to something deeper. In encouraging this the Church was not taking one step along the road of real enlightenment, and the protest of the Reformation was the result. It is idle to defend the papacy of the fifteenth century as a friend of true enlightenment with the record of her history from Trent to the encyclicals of Leo XIII. before us. Whoever uses M. Guiraud's useful book must do so with the knowledge that the heart of the matter has not been touched.

A new edition of the *Mémoires de Philippe de Commines*, by B. de Mandrot, is appearing in the "Collection de Textes pour Servir à l'Étude et à l'Enseignement de l'Histoire" (Paris, A. Picard et Fils). The first volume (1901, pp. 473) covers the years 1464-1477. The fact that the manuscript followed was not known to any preceding editor, together with the belief that it is the only one which contains the account of Charles VIII.'s expedition into Italy, is sufficient to make this edition of interest. For other reasons it will no doubt also be standard: the variants of other manuscripts and of the more important other editions are given; there are extensive notes, which seem to answer all relevant questions; an appropriate introduction is promised with the second volume; the page is attractive; and in general the book bears throughout the earmarks of well-done work.

E. W. D.

Cromwell's Army. A History of the English Soldier During the Civil Wars, the Commonwealth and the Protectorate. By C. H. Firth. (London, Methuen and Co., 1902, pp. xii, 444.) The contents of this charming volume were first given to the public in the Ford Lectures delivered in the University of Oxford in 1900-1901. It is the only adequate account of a very important subject; for it was during the Cromwell period that the old disjointed Tudor system of local trained bands, "who bore that name rather because they were selected for training than because they were actually trained," gave way to an efficient centralized army differing only in details from those of Marlborough and Wellington. Mr. Firth describes the new organization in detail, showing how it was officered, armed, clothed, fed and disciplined, how battles and sieges were conducted. There are two chapters on religion and politics in the army. It is seldom that one finds so much new information in an historical work. One should expect it to find favor in military circles; to the historian, at all events, it is indispensable. The author's information is drawn from an astonishing variety of sources, to which full references are given. Numerous extracts in the foot-notes and the appendix add greatly to the reader's interest.

G. J.

A Supplement to Burnet's History of My Own Time, derived from his Original Memoirs, his Autobiography, his Letters to Admiral Herbert and his Private Meditations, all hitherto Unpublished. Edited by H. C.

Foxcroft. (Oxford, at the Clarendon Press, 1902, pp. lxiv, 565.) Bishop Burnet's *History of My Own Time*, like Lord Clarendon's *History of the Great Rebellion*, contains much valuable material for the history of the seventeenth century in England. The University Press at Oxford, which recently did good service to historical students in publishing a new and revised edition of Clarendon, has now undertaken a new edition of Burnet. The authorities of the library have entrusted the editing of Burnet to Mr. Osmund Airy, whose first two volumes covering the reign of Charles II. have now appeared. Somewhat unfortunately as it seems, before the new edition is completed, Miss Foxcroft has brought out what is practically an elaborate study of the text of Burnet. It would have been better to have allowed this most excellent piece of textual criticism to have been published as a supplement to Airy's edition of Burnet, rather than to have issued it at this time while the new edition is still in process of publication. Miss Foxcroft showed her efficiency as an historical scholar and made her reputation by her admirable life of the Marquis of Halifax, and in this volume she has proved her fitness as an editor and her skill in disentangling the curious history of the Burnet manuscripts. The importance of Burnet's work as material for history, despite his personal vanity and vehement partizanship, has been generally recognized, and Ranke's appendix on Burnet has hitherto been the best critical estimate of the importance of his writings. But Ranke, as Miss Foxcroft points out, was not thoroughly acquainted with the history of Bishop Burnet's revisions of his manuscript; a new estimate of the value of Burnet as material must be formed, when Airy's edition can be carefully reviewed in the light of Miss Foxcroft's critical work. It would be futile to criticize at any length this particular volume, but it may be as well to call the attention of students of English history to the fact that a new edition of Burnet is being published by the Clarendon Press and that when that edition takes its place among the standard materials for English history it should be studied in the light of Miss Foxcroft's *Supplement*.

H. MORSE STEPHENS.

Samuel de Champlain. By Henry Dwight Sedgwick, Jr. [Riverside Biographical Series.] (Boston, Houghton, Mifflin and Co., 1902, pp. 126.) The publishers of the "Riverside Biographical Series" have done well in adding to their excellent collection, a life of Champlain, the first of the great governors and explorers of the north. Mr. Sedgwick, to whom the volume has been entrusted, has in an interesting but slightly florid style moulded it to win the attention of the young people for whom the series is designed. In doing so it has not been necessary to refer to original documents or to discuss at length questions of policy. His intimate acquaintance with the history of France during the seventeenth century has led him to dwell at more than usual length upon Champlain's life and surroundings in France, both before his departure and during the intervals of his return visits. He clearly discusses the movements and intrigues which ultimately afforded Champlain the long

looked for opportunities for the realization of his hopes of geographical discovery and conquest. From the lack of personal knowledge he fails to present Champlain's excursions into the unknown lands of the Great Lakes with that vivid reality which renders Parkman's narrative so enticing. Mr. Sedgwick does not follow Kingsford in seeing in Champlain's early and middle life traces of Huguenot training and practice, but throughout emphasizes facts which he thinks show him a faithful son of the Church. He bears the strongest testimony to his high moral character, his great prudence and self-sacrifice, and the noble example which he set in an age not remarkable for these qualities. It was the possession of these gifts by a man filled with the romance of exploration which makes Mr. Sedgwick rank him "as one of the worthiest, if not the worthiest man in the early history of North America." The use of the word "carries" where portage is intended is a localism, out of place and ungrammatical.

JAMES BAIN.

When Old New York was Young. By Charles Hemstreet. (New York, Charles Scribner's Sons. 1902. Pp. xi, 354.) This group of sketches is the work of one who has established a reputation in the study of New York antiquities. It traverses somewhat the same ground as his *Nooks and Corners of Old New York*, but is an improvement on the earlier book in style and arrangement. As an historical authority the present series of essays cannot take high rank, owing to the total absence of citations. This is not to say that the author's study of local records has been remiss; indeed such study is manifest throughout the pages. Manhattan Island for the last three hundred years is evidently an open book to Mr. Hemstreet.

The nature of the work may be inferred from the titles of the chapters. Some record the striking events of a locality, *e. g.*, "Greenwich Village and the Mouse-trap," "The Story of Chatham Square," "Around the Collect Pond," "The Pleasant Days of Cherry Hill." Others deal with the associations of certain institutions, *e. g.*, "Old-Time Theatres," "Christmas in Old New Amsterdam," "Town Markets from their Earliest Days," "Old-Fashioned Pleasure Gardens." While the writer's interests lie mainly in the lower end of the island, he has not neglected other regions, and we find chapters on "Kip's Bay and Kip's House," "Some Islands of the East River," and "Spring-Valley Farm." The illustrations, in part from old prints, in part somewhat idealized representations of former days, are less valuable than the sketch-maps which accompany the chapters. There is some needless repetition of incidents (*e. g.*, the story about the British frigate "Huzzar" is given on p. 146 and again on p. 221). But on the whole the book may be commended as a readable account of old New York.

EDMUND K. ALDEN.

The fifth volume of Blok's *Geschiedenis van het Nederlandsche Volk* (Groningen, J. B. Wolters, 1902, pp. 494) deals with the second half

of the seventeenth century (1648-1702), confining itself now wholly to the Dutch, to the exclusion of their southern neighbors. Its two books call themselves respectively "The Republic in the Time of John DeWitt" and "William III." Discussion of the contents of the volume may well wait till Miss Putnam's translation shall make it more accessible to English readers. Suffice it now that, while trade, industry, religion, literature, art, domestic life, come in for much attention, it is political history, national and provincial, which takes still decidedly the leading place. There is the usual bibliography of sources; and the two maps appended to this volume show the changing boundaries of the Netherlands during this half-century and the sites of the naval encounters in the North Sea and the Channel.

A Short History of the British in India. By Arthur D. Innes. (London, Methuen and Co., 1902, pp. xxxii, 373.) In little books, brief summaries and essays, can alone be found the sort of information on Indian history, which the public as opposed to the historical student naturally craves. Macaulay's two famous essays on Clive and on Warren Hastings are almost the only pieces of general literature which have got into currency among general readers upon the history of India. They are fitly supplemented by the series of biographies published by the Clarendon Press at Oxford, under the title of "Rulers of India." As a consecutive history Hunter's *Brief History of the Indian Peoples* is a model of proportion, condensation and accuracy, but the large space given to the period before the arrival of the English makes it more suitable for a text-book in Indian schools, where it is largely used, than for general readers. Sir Alfred Lyall's *Rise of the British Dominion in India* is a most admirable essay and can be used effectively, as the present reviewer has more than once used it with classes in college. But it is essentially an essay, beautifully written and full of sound political wisdom, and it is not full enough of the latter period of the company's rule either for the general reader or for students. Mr. Innes has tried to fill this gap. He has tried to make a book longer than Sir Alfred Lyall's essay, and more entirely devoted to the history of the English conquerors than Sir W. Hunter's smaller book. He has had in his mind while writing the wishes of the general reader rather than the student. He has written a straightforward narrative without any pretension to the special charm of style of Lyall and of Hunter and without any idea of competing with larger works. He glides over controversies which might puzzle the English or American reader, and carefully abstains from foot-notes or references to authorities. His brief bibliography does not pretend to be exhaustive, and in that bibliography he makes no attempt to compare the value of the books to which he refers. Criticism of proportion means a different standpoint to the author's. But it should be pointed out that Mr. Innes deliberately abridges the beginning and end of his subject. He treats very cursorily the history of the company in India prior to the great war between the French and the English, and does not even mention the names of Sir Josiah Child, who foresaw the

future development of the company as a ruling power, or of Thomas Pitt, the stout old defender of Fort St. George at the beginning of the eighteenth century. On the other hand, Mr. Innes closes his history with the Sepoy Mutiny of 1857, and has nothing to say of the new era of the direct government of India by the Crown. His book therefore is rather a history of the East India Company from Clive to 1857, than a history of the British in India. Forty-five years have passed since the Mutiny, and it is about time that writers on Indian history realized that much has occurred in India since the suppression of the East India Company. Nevertheless Mr. Innes's little book may meet the need of general readers who desire rather fuller information upon the later history of the company than they can obtain from Lyall's epoch-making essay on the *Rise of the British Dominion in India*. H. M. S.

Stringer Lawrence, the Father of the Indian Army. By Colonel J. Biddulph. (London, John Murray, 1901, pp. 133.) When Robert Clive, the heaven-born soldier, as William Pitt the elder once called him, was offered for his services in defeating the French army and making English power in India inevitable a sword of honor by the directors of the East India Company, he refused to accept it unless a similar sword was presented to his old commander, Stringer Lawrence. The directors saw the justice of the demand and voted to Lawrence a more valuable diamond-hilted sword than they had given to Clive. This incident shows the regard in which Clive held his old chief and justifies the ranking of Stringer Lawrence among the military heroes of the English in India. It is perhaps rather a large term to apply to Lawrence in calling him the father of the Indian army, but he certainly commanded a larger body of troops than previous English commanders had led, and he proved his powers of leadership in the famous siege of Trichinopoli, when the French cause in India finally went down. Colonel Biddulph has done well to draw attention to the services of this forgotten soldier, but he has added nothing to our knowledge of the history of the times in which he fought. The account of Lawrence's campaigns is mainly taken from Orme's *Contemporary History*, and no other source seems to have been drawn upon. The life of Captain Dalton, published some years ago, was of real historic value, and for the first time extracted from Orme's account the true inwardness from a military point of view of the failure of the French to take Trichinopoli. Colonel Biddulph does not seem to have had access to any new sources of information, and has simply worked up out of Orme the passages describing Lawrence's career. He has taken the trouble to look up the parentage of Stringer Lawrence, but he does not give much new biographical information. The little book is well got up and contains a map of the country round Trichinopoli, which illustrates the most famous feat of arms in which Stringer Lawrence was concerned. H. M. S.

The Literature of American History. A Bibliographical Guide in which the Scope, Character, and Comparative Worth of Books in Selected

Lists are set forth in Brief Notes by Critics of Authority. Edited for the American Library Association by J. N. Larned. (Boston, Houghton, Mifflin and Co., 1902, pp. ix, 588.) The character of this volume is truthfully presented in the sub-title. It is a book intended to be of use to the general reader in the library, and to librarians who are seeking advice on the purchase of books. But it is much more. There is no specialist in American history who cannot gather from its pages valuable knowledge and gain assistance in the prosecution of his work. The inception of the general plan is to be attributed to Mr. George Iles, who has been insisting for years upon the desirability of the evaluation of literature. "The trustees of literature," he said, in a paper written ten years ago, "will enter upon a doubled usefulness when they can set before the public not catalogues merely, but also a judicious discrimination of the more from the less valuable stores in their keeping." The generosity of Mr. Iles and the disinterested and unrequited services of Mr. Larned have made the plan a reality.

The volume contains six parts and an appendix. The first part is a syllabus of sources, arranged by Paul Leicester Ford, and a classified list of the most important documents and papers to be found in the publications of general historical societies. The second part deals with America at large; the third with the United States, the treatment being partly chronological, partly topical; the fourth with the United States by sections; the fifth with Canada; the sixth with Spanish and Portuguese America and the West Indies. The appendix, prepared by Professor Channing, is given up to suggestions to readers of history and to selected lists of books for school libraries and small public libraries.

The annotations or appraisals of the volumes, of which there are over 4,100 titles, seem to have been made conscientiously by men who have handled the material and know what they are talking about. Though different ideas as to the purposes and probable uses of the volume apparently prevailed, the comments in nearly all instances are of value. Most of the commentators probably had in mind the comparatively untrained reader in the library, who might wish to know the character of a book in question, its general trustworthiness, whether or not it was well written and interesting or dull. The object of the work was not to add technical bibliographical information for experts or for special investigators. Not for invidious comparison, but to indicate the great value of the book, attention may be called to the sharp, crisp criticisms by Professor Channing on books of the Revolutionary period, to the helpful bibliography of education prepared and appraised by Burke A. Hinsdale, and to the Civil War books which are to a great extent commented upon by General Cox. In quite a number of cases, notes of evaluation are taken from a critical journal or from Winsor's *Narrative and Critical History*. Appraisals thus obtained often seem hardly so well adapted to the purpose of the volume as are those that have been specially prepared, but they have on the whole been well chosen and will prove useful. The special student will be apt to dis-

agree occasionally in some slight degree with the annotations ; but very little in the nature of error has been discovered by the reviewer. There seems, however, no reason for the appraisal of Warfield's *Kentucky Resolutions* in two different places ; on page 304, Toppan is spelled "Tappan" ; attention should certainly have been called to the later edition of Adams's *Manual of Historical Literature* ; no mention is made of Professor Turner's paper on the significance of the frontier, though one or two others, less important, by the same author are named ; the note under *Bulletins of the University of Wisconsin* is unsatisfactory. Such slight errors can be corrected, and perhaps the list somewhat revised in a new edition. The student of American history is too grateful for the able and conscientious work of Mr. Larned to be captious and hypercritical.

The lists include but few of the books that have come from the press since 1899. Arrangements have been made for a continuation of the work from year to year under the editorship of Mr. Philip P. Wells, librarian of the Yale Law School. A supplement in pamphlet form covering the years 1900 and 1901 is expected to appear soon. The index is ample and, as far as a somewhat careful examination discloses, has been made with accuracy, intelligence and skill.

The second volume, seventh series, of the *Collections of the Massachusetts Historical Society* (Boston, 1902, pp. xvi, 491) contains the third installment of the papers of Jonathan Trumbull. They include letters and other documents, of the Revolutionary time, the earliest dated February, 1776, the latest July, 1779. The earlier documents of this period were printed in Force's *American Archives* and are not reproduced here. It is needless to comment on the great value of the material to a student of the war. The volume is crowded with interesting and significant letters. Among the most noteworthy are those written during Burgoyne's invasion ; they admirably illustrate the confusion and flurry of the time. Schuyler was pleading with Trumbull for troops ; Trumbull seemed to think he knew something about the situation himself ; letters from his son who was with the northern army and complained bitterly of the masterly inactivity of the commanders seem to have influenced him quite as much as the communications from the much abused Schuyler ; conflicting letters and requisitions for troops flowed in to the governor to increase the confusion ; and the militia, when sent for service, often acted as if they had gone for the excursion, not to fight. Schuyler in describing his forces to Trumbull gives a strong statement of his difficulties : " Militia from the State of Connecticut,—one Major, one Captain, two Lieutenants, two Ensigns, one Adjutant, one Quartermaster, six Serjeants, one Drummer, six sick, and three rank and file fit for duty, the rest, after remaining three or four days, deserted us" (p. 91). There are likewise some interesting letters giving accounts of the campaign in Pennsylvania the same year, 1777. It would be difficult, in fact, to find a more valuable single volume throwing light on the military and political incidents of the time.

Israel Putnam: Pioneer, Ranger, and Major-General, 1718-1790. By William Farrand Livingston. (New York and London, G. P. Putnam's Sons, 1901, pp. xviii, 442.) The author of this biography in "The American Men of Energy" series has done a careful and painstaking piece of work, and in spite of the number of lives and sketches of this heroic character already published, has found some new sources of information, including a number of Putnam's letters and official reports; and these serve in part at least as a justification for the appearance of this book. The author has read widely in his diligent and successful search for facts, and has found abundant material for a stirring and interesting narrative. Further he has been successful in putting his material together in such a way as to make a readable book, though not one that will add much to our information in the way of a critical estimate of Putnam as a strategist and leader of men.

The author traces Putnam's tireless and active career from boyhood to old age and divides the book about equally between the periods of his life prior to and subsequent to the Battle of Bunker Hill. Much interesting anecdote is mentioned concerning Putnam, including the wolf hunt at Pomfret and the famous ride down the rocky height at Horse-neck; and his unique experiences as ranger and Indian fighter are detailed; all of which contribute information concerning the bravery, generosity, energy, and impetuosity of this heroic character and serve to account for his later pre-eminence in the war of the American Revolution. It is in the first half of the book that the reader will doubtless find his greatest interest.

One of the longest chapters is devoted to the Bunker Hill fight and Putnam is given the credit of the real leadership in this battle. The author would have added greatly to his account of this event by including a plan or map of the battle-ground. Putnam's service in the American Revolution is treated with fullness. He is defended against blame for the defeat at Long Island, and the reasons for his supersession in command of the Hudson Highlands are explained. Though his conduct was not above question, Putnam was exonerated from blame for the Hudson disaster by a court of inquiry, whose decision was approved by the Continental Congress.

The book is filled with extracts and quotations from authorities used, which for the most part are pertinent and interesting; but the author makes the mistake of interrupting his narrative too frequently in this way, and gives it too much the appearance of a collection of excerpts. Some of this matter should have been condensed, and much of it might better have been committed to the foot-notes and appendixes.

We note but few errors. There is a misprint in the date of B. F. Stevens's *Facsimiles or Manuscripts*, on page xvii. While the author is very careful to indicate his sources, there is an occasional failure to give the complete reference as in the third note on page 177. The publishers have produced an attractive book. The typography is good and the work is profusely illustrated with historical views, portraits, and memorials

of Putnam, and facsimiles of his letters. A bibliography of the principal works cited is also included.
J. WILLIAM BLACK.

Nathan Hale, the Ideal Patriot. A Study of Character. With Views of the Author's Statue of Nathan Hale; Portraits of Hale's Contemporaries and of Kindred Characters; also three Drawings by W. R. Leigh together with an Introduction by George Cary Eggleston. By William Ordway Partridge. (New York and London, Funk and Wagnalls Co., 1902, pp. 134.) This volume is a bombastic eulogy of the pyrotechnic newspaper or fourth-of-July order. The data are almost entirely drawn from Stuart's *Life of Hale*, 1856, and the numerous errors of that work are perpetuated, to which Mr. Partridge has added a medley of others wrought wholly out of his own imagination. Mr. Partridge has, of course, his own pretensions (pp. 13 and 14), but Mr. Eggleston is certainly not justified in saying in his "Foreword" (p. 27), that "Mr. Partridge has studied the character, the purposes, and the personality of Nathan Hale as no other man has done since that patriot of the Revolution . . . sacrificed his life," etc. But to state the truth, it would take a larger volume than Mr. Partridge has produced, to point out his errors and give the valuable facts which he does not mention.

Dwight was not President of Yale when Hale entered (p. 46); there is not the slightest evidence that Hale marched to Lexington (p. 51); there is also no evidence of the interviews with Washington, as stated on page 52 and other pages; his account of Hale's courtship is a meshwork of fable; "Ansel Wright" (p. 69) should be Asher Wright; the repetition of Stuart's fiction about Hale's capture at Huntington, Long Island, and the tavern of a widow Chichester, is unsupported by any evidence (pp. 72 and 73); the same is true of everything stated about Cunningham (p. 82); and with the circumstantial and other evidence easily accessible, a schoolboy would not have hung Hale in Chambers Street, in a graveyard (p. 84). These are but a few out of a mass of absurdities, which appear in this freak among American biographies.

VICTOR HUGO PALTSITS.

At length an edition of the writings of Mameli has appeared worthy of the beautiful memory of this soldier-poet, the Tyrtæus of modern Italy. It is entitled *Scritti Editi ed Inediti di Goffredo Mameli, ordinati e pubblicati con Proemio, Note, e Appendici a Cura di Anton Giulio Barrili* (Genoa, Società Ligure di Storia Patria, 1902) and includes—beside the poetry of Mameli and nine of his letters—his political writings, originally published in the journals of Genoa and Rome and known to-day to few of his admirers. The edition of Mameli's writings of Genoa, 1850, the only preceding edition which contained his prose, has long been out of print, and has become very rare. Many of the writings of the new edition of 1902 are here published for the first time; of the other writings many have been re-edited from the original manu-

scripts. The preface by the noted Italian writer, Barrili, is excellent, as also are the appendixes, which deal with different episodes of the soldier-poet's life and include unedited letters and an unedited sketch from the pen of Garibaldi. The prefaces to earlier editions, by Guiseppe Mazzini, and by M. G. Canale are reprinted here in full, together with an important extract from Manegazzi's interesting and rare pamphlet, *Sulla Morte di Goffredo Mameli* (Foligno, 1891). The volume has an additional interest for the bibliophile in the numerous photographic facsimiles of Mameli's manuscripts which it contains. HARRY NELSON GAY.

A new edition of *Richardson's War of 1812* with notes and a life of the author by Alexander Clark Casselman has been published. (Toronto, Historical Publishing Co., 1902.) Richardson took an active part in the war in the west, and his narrative which was first published in 1842 is of considerable value to the student. The new edition contains a biography of Richardson, maps and plans of battles, foot-notes in explanation of the text. The editor has left the body of the work unaltered, but says that he has felt free to put in perfect copies of official despatches which in the original edition were abbreviated or incorrectly transcribed.

The Life of the Right Hon. Sir William Molesworth, Bart., by Mrs. Fawcett (Macmillan, 1901, pp. 352) recounts the service of a man who labored for the development of the colonial empire of Great Britain in a time of despondency when the colonies were often discontented, and who struggled in Parliament for wiser legislation and for fuller appreciation of imperial possibilities and responsibilities. His work may be summed up in the words chosen from a letter of Bright to Cobden, 1857: "Look at our Colonial policy. Through the labours of Molesworth, Roebuck, and Hume, more recently supported by us and by Gladstone, every article in the creed which directed our Colonial policy has been abandoned, and now men actually abhor the notion of undertaking the government of the Colonies; on the contrary, they give to every Colony which asks for it, a constitution as democratic as that which exists in the United States." He was a member of the "Philosophical Radicals," a party reduced at one time, if we may believe Macaulay, as we probably cannot, to "Grote and his wife"; he was one of the founders of the Reform Club and of the *London Review*. For the abolishment of the transportation system he worked with eager persistence; at his instance a select committee was chosen in 1837 to inquire into the system and discover how far it was susceptible of improvement. Molesworth was chairman of the committee and wrote, it seems, a large part of the report, disclosing the loathsome details of a revolting practice. Although transportation of criminals was not altogether given up until some years after Molesworth's death, his efforts did not go for naught. The volume is pleasantly written, contains a number of interesting letters which help to throw light on the politics of the first half of the last century, and while it seems uncritical and over-enthusiastic will be useful in a study of the development of the colonial policy of Britain.

Daniel Webster. By Samuel McCall. (Boston and New York, Houghton, Mifflin and Co., 1902, pp. 124.) This little volume gives us, in book form, the "Webster Centennial Oration" delivered by Mr. McCall at Dartmouth in September, 1901. It is not another *Life of Webster*, but is, rather, an appreciation. The author endeavors to set before us "some estimate of Webster as a lawyer, an orator, and a statesman," and to recall "some of the great principles of government with which he was identified."

The book is not of the sort that one would consult for accurate information. It is eulogistic and argumentative—admirably suited to the occasion upon which it was delivered. The nature of Webster's education and the sources of his style are discussed. He is compared with his contemporaries and other statesmen in English history. The possibility of comparing him with Demosthenes and Cicero is denied. In treating Webster's connection with the Dartmouth college case, the author adheres—as was fitting to the occasion—to the old sentimental idea that Webster's love for his Alma Mater led him to take a passionate interest in the success of the college. He failed to note the letter in the Private Correspondence of Webster, showing that, when the quarrel between the college authorities and its enemies began, Webster was only solicitous to get into the case on *one* side or the *other*. The "Seventh of March" speech is ably defended. The political situation is reviewed, and attention called to the fact that Clay and Calhoun both regarded the time as critical. Webster, says the author, threw away his chance for the presidency by that speech. There are letters of Webster, extant, which show that he himself expected such a result. The defense of his speech is well worth the attention of those who hold that it is a stain on Webster's career.

C. H. VAN TYNE.

The Overland Stage to California by Frank A. Root and William Elsey Connelley (Topeka, Kansas, published by the authors, 1901) is a somewhat entertaining medley of personal reminiscences, border tales, and historical narrative illustrated by absurd pictures that are far from an ornament to the text. Like other books of this kind it has its obvious defects; but it is not without interest and is evidently the result of great labor and of painstaking effort to get information. Mr. Root was an express messenger in early days, and such recollections of the rough life of forty years ago as he has given constitute the best part of the book, which is likely to prove of some service to the historian who is endeavoring to recreate the western movement.

The volume *Il Generale Giuseppe Govone. Frammenti di Memorie* (Turin, Casanova, 1902), written by Ulberto Govone, son of the general, is of considerable interest for the general history of Italy, in view of the variety of important services rendered by Govone during the period 1848-1870. It is made up in part of his autobiographical memoir and of extracts from his letters. Relative to the important diplomatic mis-

sions fulfilled by Govone in 1866, it may be added that this volume would have aroused more interest had Chiala's *Ancora un po' piu di Luce* not appeared a few weeks in advance of it, containing many of Govone's unedited despatches, and revealing all that is of interest.

H. N. G.

Memorials of William Charles Lake, Dean of Durham 1869-1894.

Edited by his widow, Katharine Lake, with a Preface by George Rawlinson, Canon of Canterbury. (London, Edward Arnold, 1901, pp. xxii, 342.) Dean Lake was a good if not a great man. He lived in an eventful time and numbered among his most intimate friends those who were both good and great. His biography, however, does little more than confirm what we know already of the period and of its chief characters. The book presents quite a variety of contents. The introduction includes a biographical preface by Canon Rawlinson, an editorial notice by Mrs. Lake and a letter from Archbishop Temple. The main work is divided into three parts. The first part contains the beginnings of an unfinished autobiography, covering the Dean's early life down to 1856, and concluding with a chapter on Archbishop Tait. The second part is an appreciative outline of Dr. Lake's work as warden of the university and dean of the cathedral of Durham. The third part consists of nearly two hundred pages of correspondence, mostly short letters or extracts from Archbishop Tait, Dean Church, Dean Stanley, Mr. Gladstone, Canon Liddon, Dr. Pusey, Lord Halifax and others, but most disappointing as containing little more than personal allusions, or what has been already published. Indeed much of what would otherwise be the most important part of the material of which the book is made up, has been published in the various lives and histories of the principal characters and events which already have been issued. The book concludes with a short appendix containing a sketch of the history of the Durham School of Science at Newcastle written by the principal, the Rev. H. P. Gurney. A very full index to the whole work is added.

As has been said the book adds little to our knowledge of the great historical events with which the times were filled. We have very few of the Dean's own letters, and the letters he received from really great men throw little light on great events for they are too personal to be of much historical value. The most remarkable and impressive thing is that a dean of one of the greatest cathedrals in England, an extreme high churchman, should receive his greatest glory for having practically founded and brought to a high state of efficiency a thoroughly modern school of science. In a foot-note a quotation is given from the *Newcastle Chronicle* for October 9, 1894. "Literally Dean Lake has transformed the higher educational life of the North and figuratively he may be said to have found us with a small university of brick and to be leaving us with a great university of marble."

C. L. W.

Die Deutsche Einigungswerk im Lichte des Amerikanischen. Von Albert von Ruville. (Halle, Max Niemeyer, 1902, pp. 128.) In this interesting essay the author compares the processes of unification in America, 1776-1865, and Germany, 1815-1871, paying attention only to the actual political force involved, whether physical or mental and whether found with prince, leader or people. He ignores legal and constitutional forms, and, dismissing in a sentence "den unmöglichen Bundesstaatsbegriff," considers both the United States and the German Empire as unitary states, the one republican, the other monarchical. The purpose of the comparison is to show that the United States stands as a triumph of unionist over separatist tendencies; whereas the present Empire, instead of being the goal of German evolution and the consummation of national destiny, is a product of victorious secession and Prussian particularism. This difference is due to the fact that American statesmen recognized existing political forces in their constitutions and thus achieved and maintained unity, while Austrian and Prussian leaders by refusing to do likewise and establish a dual control ended by dividing the historic German race. In spite of its material success, says the author, the Empire can never stand justified before the judgment of history until it has sought and attained union with Austria. It should announce this as its policy for the future.

The author's treatment of things American is generally appreciative and sometimes laudatory, especially where a moral can be pointed at the expense of Stein, Bismarck and other "Preussisch-dynastich" statesmen. Occasionally this is carried to an extreme, as when for example the United States is represented as having attained a complete national, territorial race unity in the sense urged for Germany,—a position hardly to be maintained as long as Canada exists. If Austria is necessary to a real Germany, Canada is equally so to a real United States.

The only point where the essay fails in any striking way to do justice to the United States is in regard to the Monroe doctrine which is condemned as having no historical basis and asserting claims which "*nur auf die zufällige Namensgleichheit zweier Kontinente gründen.*" Comment on the absurdity of the italicized phrase is unnecessary. Apart from this lapse, however, the essay is careful, thoughtful and suggestive.

T. C. S.

Thirty Years in Washington, or Life and Scenes in our National Capital. Edited by Mrs. John A. Logan. (Hartford, Connecticut, A. S. Worthington and Co., 1901, pp. xxxii, 752.) Those persons to whom *Thirty Years in Washington*, edited by Mrs. John A. Logan, shall come in the regular course of the subscription book trade will find the volume replete with that particular kind of information most relished by visitors to the capital city — curious facts, statistics of all sorts, anecdotes of persons, and incidents connected with the various places described. In the course of the century since the permanent seat of government was established in the District of Columbia a large amount of tradition has

accumulated; but unfortunately accurate information is scanty. As a result errors are handed down from one popular writer to another; and the historical and the critical spirit have alike been wanting. For example, the history of many of the portraits and ornaments of value in the White House has been lost; and it was not until the publication of Glenn Brown's *History of the United States Capitol*, in 1901, that the credit for the original plans of that building was proved to belong to Thornton, and the Congressional Directory was corrected accordingly.

Some of the errors in Mrs. Logan's book are due to the unreliability of tradition. For example, there is no truth in the statement (p. 133) that the White House is a copy of the Duke of Leinster's Dublin residence. There are historical errors, such as are contained in the statement (p. 34) that Braddock's troops were encamped on the site of the old naval observatory and that Washington was with them as a captain of Virginia militia. Again, L'Enfant was dismissed not because he was an unappreciated genius; but because his refusal to furnish a copy of his map of the city of Washington threatened to defeat the project of selling lots and thereby realizing the money necessary for the construction of the public buildings. Also there is no foundation for the tradition (p. 69) that land speculation forced the development of the city of Washington westward rather than eastward from the Capitol; the fact being that the location of the White House fixed the social center, as the location of the departmental buildings largely determined the placing of the residences.

There are also unaccountable errors of fact. Senators do not (p. 87) draw seats by lot at the beginning of each session. On the contrary, they file with one of the assistant doorkeepers a secret request for a seat likely to be vacated by reason of the failure to return on the part of the senator occupying the coveted place, a custom which tends both to relegate new senators to the least desirable seats, and also on occasion to allow an interesting gamble on the re-election of a particular senator. Mrs. Logan indorses (p. 115) the prevalent error that there is practically as well as theoretically unlimited debate in the Senate; whereas Senator Gorman's statement is the correct one: a united majority can always reach a vote after reasonable debate. Generally speaking, there is shown in the book nothing beyond a surface acquaintance with the ways of Congress and of administrations; and after a perusal of its 750 pages one would suppose that good luck, overruling incapacity and ignorance, were the factors in the administration of the affairs of this intricate, complicated, costly, widely diversified, and extremely comprehensive government. The most interesting and valuable chapters are those in which Mrs. Logan, from the point of view of an interested participant, gives the impressions of the social-political life of Washington.

CHARLES MOORE.

Sir William White, G.C.B., K.C.M.G. For six years Ambassador at Constantinople. His Life and Correspondence. By H. Suth-

erland Edwards. (London, John Murray, 1902, pp. vii, 284.) One cannot visit in the diplomatic circle at Constantinople without hearing three British ministers lauded as conspicuous above all the other representatives of England at the court of the Sultan. The three are Lord Stratford de Redcliffe, Earl Dufferin, and Sir William White. The career of the last named minister is less familiar to most of us than the achievements of his two great predecessors. We therefore looked with much interest for the biography of him by Mr. H. Sutherland Edwards.

His father held important posts in the British consular and colonial service. His maternal grandfather was British Envoy Extraordinary to Poland. He himself was born in Poland and spent a large part of his young manhood in that country. In 1857 at the age of thirty-three he became a clerk in the office of the British Consul at Warsaw. In 1861 he was promoted to the consulship at Dantzic, in 1876 he was sent to Belgrade as Consul General, in 1878 to Bucharest without formal credentials, but later in 1880 with the rank of Envoy Extraordinary when England recognized Prince Charles I. of Roumania, in 1885 to Constantinople as Ambassador *ad interim*, and in 1886 he received the permanent appointment to that position and held it till his death in 1891.

He had therefore extraordinary opportunities for becoming familiar with the tongues, the history and the character of the peoples of eastern Europe. His official career covered a period of most important events, the final suppression of Polish insurrection by Russia, the varying fortunes of the Balkan states during the last forty years, the Russo-Turkish War of 1877-1878, the San Stefano and the Berlin Treaties, the innumerable diplomatic discussions which those treaties caused, and the friction between Russian and English policies in Turkey between 1885 and 1891.

Now the biographer throughout his volume gives us to understand, and no doubt justly, that Sir William White by his able reports to his government and by his diplomatic skill played an important part in these affairs. But the remarkable and unfortunate fact is that he does not inform us exactly what Sir William did. He fills his book with a history, not always sequent and lucid, of the march of events in the east. He even gives us numerous interesting letters from Sir Robert Morier, Lord Odo Russell and others to White, but scarcely any letters of White on public affairs. He tells us that White made valuable reports to the British foreign office, but gives us hardly any passages from those reports. We have numerous *bons mots* and repartees of Bismarck and others, but too few words of White. We search in vain in the very complicated story of the changes in the Balkan states and of the troubles in Turkey for a precise answer to the questions, what did White really do, and how did he accomplish it? What is the basis for his high reputation in the east? The author has in fact given us a somewhat desultory sketch of the vicissitudes of the Balkan states rather than an illuminating and satisfactory history of Sir William White's diplomatic career.

J. B. A.

Leopold von Ranke's Bildungsjahre und Geschichtsauffassung. Von Dr. Wahan Nalbandian. (Leipzig, B. G. Teubner, 1902, pp. viii, 103.) This recent addition to the "Leipziger Studien aus dem Gebiet der Geschichte" is an excellent example of methodical historiography. The sketch of Ranke's earlier life, of the formative influences to which he was subject, and of the development of his historical interests is very carefully done from a close study of the autobiographical fragments and correspondence. For the second part, in which the topics are Ranke's doctrine of guiding principles or ruling ideas (*leitenden Ideen*), his views on freedom and necessity, on progress and the ultimate goal (*Ziel*), Nalbandian draws mainly upon Ranke's latest utterances in the *Weltgeschichte*. So careful an analysis of Ranke's philosophy of history makes one regret that the author did not attempt an equally conscientious examination of his method as an investigator and of his significance and influence as a teacher. Even without these essentials to a complete study of Ranke as an historian, this essay may be pronounced one of the best introductions to Ranke's writings that is available. It will be more useful to the student than Guglia's *Life*, excellent as that is, because of the greater number and precision of its references to Ranke's works, and it is more trustworthy than Guillard's specious essay, which is deficient in impartiality and disfigured by garbled quotations. Interesting and instructive in itself, Nalbandian's dissertation acquires additional interest and significance as the work of a young Armenian scholar.

E. G. B.

The fifteenth volume of the *Proceedings of the Massachusetts Historical Society*, second series, covers the proceedings of the meetings from March, 1901, to February, 1902, inclusive. Among the more important papers are "The Genesis of the Monroe Doctrine," by Worthington C. Ford, which includes, with some comment, much of the material used by Mr. Ford in preparing the articles for the REVIEW on that subject; a paper by Charles Francis Adams, president of the society, on "John Quincy Adams and Martial Law," to which reference has already been made in the pages of this journal; a valuable article with much documentary material, also contributed by Mr. Ford, on the conflict between the governor and council of Massachusetts on the death of Queen Anne. Mr. Ford also presents a series of letters from Joseph Jones to James Madison. They were written during the years 1788 to 1802, and refer to many of the more significant political movements and theories of the day. A few words from a letter of December, 1792, are worth quoting here as an illustration of how difficult—Mr. Ford says "impossible"—it was for a Virginian to grasp the meaning of Hamilton's reports. "The Secretary's plan of a sinking fund I have read over but do not yet comprehend. It is intricate and so complicated it appears to one to require some time and attention to understand. At first view I think it well calculated to keep us all in the dark excepting those near the seat of government, where the finances are better understood than with us, and

who thrive on speculation" (p. 140). Samuel A. Green communicates two interesting narratives of the expedition of Sir William Phips against Canada. The originals of these narratives are in the Lenox Library. One of them was written by Mr. John Wise to Increase Mather, the other is anonymous.

The American Federal State. By Roscoe Lewis Ashley. (New York, The Macmillan Co., 1902, pp. xlv, 599.) This work is intended as a text-book on politics for high schools and academies; and is a much more comprehensive treatment than the conventional books on civil government. After an introductory chapter of general definitions, there are three parts—Historical Development, Government, and Policies and Problems. The first section is too brief to take the place of a history text-book; yet it necessarily covers the same ground somewhat superficially. Probably it would be a better plan to discuss such historical facts as are necessary under the various topics and institutions. The second section includes national, state and local governments, with some attention to the usually neglected administrative authorities. The last section has a miscellaneous collection of chapters on suffrage and elections, the political party, constitutional and legal rights, taxation, money, trade and industry, foreign affairs and colonies, and the duties of citizenship. Appendixes contain the Articles of Confederation, the Constitution of the United States, and valuable tables summarizing the most important facts of state government.

Mr. Ashley increases the value of his book by some critical discussion, in which he finds more to commend than to condemn in our institutions and their working. But he cannot be compared with Mr. Bryce as a philosophical essayist. Moreover, he does not always appreciate salient facts, and in details is sometimes inaccurate. Thus he describes the English Revolution of 1689 without mentioning the Bill of Rights or the Parliamentary transfer of the Crown. His accounts of the development of bicameral legislatures and the events leading up to the Civil War are wrong in several respects. He fails to explain the undue influence of the "pivotal states" in the election of President. He discusses the judicial veto on unconstitutional legislation as if it were specifically granted in the Constitution. City charters were never granted by state governors. Municipal franchises do not give the right to supply water or gas, but the privilege of using the public streets.

A text book should be a model of good English; and in this respect the work needs serious revision. Split infinitives, "civics," "quite" (meaning rather), "etc.," and other uncouth words and phrases abound.

In addition to the text, there are suggestions for teachers, excellent bibliographies preceding each chapter, and questions and references for further investigation, all of which add much to the usefulness of the book for schools. There is, however, no mention of three very important works: Greene's *Provincial Governor*, Chambrun's *Le Pouvoir Exécutif aux États Unis*, and Dunbar's *Chapters on Banking*. J. A. F.

The eminent Berlin publishing firm of Reimer have issued this year a work which they propose as an annual publication: *Deutschland und die Grosse Politik anno 1901*, von Dr. Th. Schiemann, Professor an der Universität Berlin; Berlin, 1902. The author is Theodore Schiemann, a professor of history at the Berlin University and the author of several authoritative works on Russia. Under the auspices of such a publisher, with such a title and with the name of a professor of history as author, we had hoped that the work would be a calm historic review of the past year—valuable to students of history and particularly to public men.

Professor Schiemann is a disciple of Treitschke and honest so far as he can see. But unfortunately he is dealing with many questions about which his knowledge is imperfect; he has obviously travelled little and his opinions are tainted by the vulgar prejudice that characterizes a certain portion of the German press of to-day. A more impartial author might make the successive volumes of this work a credit to German scholarship if he would but visit some other countries—notably the United States and a few English colonies. At present the work reads like a gospel of hatred. The author sees in every country naught but intrigues against Germany. His mouth is full of Jingo phrases such as the “national honor and the historic mission for which Providence has destined us.” He sees in every move of England and the United States, to say nothing of Russia and France, a menace to Germany. He urges the strengthening of the German navy, in order to make it impossible that his country should again have to suffer what she did at Manila in 1898! (375). He refers to the “insults” hurled at the Kaiser after his despatch to Paul Krüger in 1896, but does not specify the persons guilty of such behavior—he will have grave difficulty in substantiating this statement. He shows deplorable ignorance of things in England and the United States—for instance he confuses the government of Roosevelt with that of Croker (374), shows (on p. 35) that he has never heard of such a thing in America as a “standing army.” He refers to Americans contemptuously as “Yankees.” Much of the book is made up of alleged cruelties practiced by British against Boers, and his prophesies in regard to that struggle have been already proved false. He prays for the humiliation of England in South Africa, and urges Germany to intervene on behalf of the Boers as a political measure.

The idea of this book is excellent, and we hope that it will not be allowed to lapse merely on account of the present blemishes. The volume just issued contains some 430 pages. Half of these could well have been suppressed, for they represent opinions of no value, or worse than none. In the next issue we venture to suggest that under “Grosse Politik” the editor might well include something more than merely speculative intrigues on the part of cabinet officers or a recapitulation of jingo newspaper articles.

POULTNEY BIGELOW.

Archæological History of Ohio. The Mound Builders and Later Indians. By Gerard Fowke. (Columbus, Ohio State Archæological

and Historical Society, 1902.) The title of this book is rather misleading, since it is purely archæological in character, dealing with mounds and other relics and not at all with historical events, even when it is concerned with Indian tribes of recent times. Nevertheless the book has historical value of a negative character, since the author devotes the greater part of the first twelve chapters to destructive criticism of exaggerated theories and unsupported assertions about a mysterious vanished race of civilized "mound builders." On the constructive side the book contains practically nothing. The writer rather inclines to believe that the hilltop forts were built by an invading race, the valley works by a settled one, but he avoids committing himself definitely. "We have no data," he says in conclusion, "from which can be determined what people built these mounds and enclosures, whence they came, how long they lived here, when or why they left, or whether they left at all, whether they were exterminated by other tribes or faded away from natural causes, or what finally became of them. . . . But we have abundant reason for asserting that in no particular were they superior to or in advance of many of the known Indian tribes."

The author's real independence of view, cautiousness as to opinions and willingness to differ from other writers is somewhat obscured by a mass of quotations which make the book look upon cursory examination like a mere compilation. It is in reality much more than that, and, with the exception of one chapter, where the author discards his caution and enters upon a thoroughgoing defense of the Indian race from any and all criticisms passed upon it, ought to be considered a necessary preliminary to any future history of Ohio. It clears the way.

T. C. S.

NOTES AND NEWS

Charles Kendall Adams, a member of the council of the American Historical Association and a well-known historical scholar, died at his home in Redlands, California, July 26. Mr. Adams was born in Derby, Vermont, in 1835. In the autumn of 1857 he entered the University of Michigan and received the bachelor's degree four years later. The next year he was appointed instructor in history and Latin in the University of Michigan. From 1867 to 1885 he was professor of history at Michigan, resigning to accept the presidency of Cornell University. The latter position he held till 1892, when he became president of the University of Wisconsin. Because of failing health he found it necessary, about a year ago, to give up his academic work. His work as a teacher of history first gave him reputation and standing in the country at large. As a student in Germany thirty years since, he became interested in German methods of instruction, and helped to introduce into our universities the more modern methods of conducting historical study and investigation. President Adams was not a prolific writer. His best known work is the *Manual of Historical Literature* (1889) which is certainly a monument of patient toil. He was also the author of *Democracy and Monarchy in France From the Inception of the Revolution to the Overthrow of the Second Empire* (1872); *Christopher Columbus, his Life and his Work* (1892). He edited *Representative British Orations* (1884), and was the editor in chief of the *Universal Encyclopædia* (1896).

We are called on to chronicle the death of another American historian and likewise an ex-president of the American Historical Association. Mr. Edward Eggleston died at Thomasville, Georgia, September 2. Born in Indiana in 1837, he was chiefly educated in the country schools of that state. In 1857 he entered the ministry of the Methodist Episcopal Church, and served in Indiana and Minnesota. For some years after 1866 he was mostly engaged in editorial work, being for a time editor of the *Independent*. His earlier literary work was in the field of fiction, as the author of clever character studies like *The Hoosier Schoolmaster* and *The Circuit Rider*. One may indeed attribute to such works as these something of historical value and interest, for they describe with strength, humor and insight the life and activities of the Indiana of forty years ago. In later years he devoted his attention almost exclusively to historical writing, publishing successively *History of the United States and its People, for the Use of Schools* (1888); *Household History of the United States and its People* (1888); *First Book in American History* (1889), and also other smaller texts for school classes. His most important con-

tributions to historical literature are *The Beginners of a Nation* (1896), which is a charming narrative of parts of our early colonial history, and *The Transit of Civilization from England to America in the Seventeenth Century* (1901). These two volumes were to constitute portions of what the author called "A History of Life in the United States"—portions of a task for which Dr. Eggleston's studies and talents specially fitted him, but which he has not lived to accomplish.

The interests of Southwestern history have sustained a sad loss in the death of Dr. Lester G. Bugbee, which occurred on March 17. Though not quite thirty-three years old he had already accomplished much. His most important writings are articles on *The Old Three Hundred* (in the Texas Historical Association Quarterly, I.); *The Real Saint-Denis* (ibid.); *What became of the Lively* (ibid.); *Some Difficulties of a Texas Empresario* (Publications of the Southern History Association, April, 1899); *The Texas Frontier, 1820-1825* (idem, March, 1900); *The Archives of Bexar* (Texas University Record, October, 1899); *Slavery in Early Texas* (Political Science Quarterly, XIII.); and also he had completed the larger part of a life of Stephen F. Austin. With all of these Dr. Bugbee was a specially effective and popular teacher. His work at the University of Texas, where he was adjunct professor of history, will not soon be forgotten.

Lord Acton, after a year's illness, died June 19, at Tegernsee in Bavaria. Born in 1834, member of Parliament from 1859 to 1865, peer from 1869, lord in waiting to the Queen from 1892 to 1895, adviser of Gladstone, profound lay Catholic theologian and leader against ultramontanes, and in these latter years professor of history at Cambridge, he most impressed his fellowmen as a scholar. Withal he wrote little; an article on the Massacre of St. Bartholomew, another on the German schools of history, the well-known inaugural lecture, and the introduction to Burd's *Il Principe* of Machiavelli are so far the most we have had from him. However, he carried on the "Cambridge Modern History" until failing health compelled him to leave it to others, and it is said that he had been collecting for years material for a general history of civil and religious liberty in Europe. He preferred to know, to absorb rather than write; and by vast reading and a marvelous memory he came to be possibly the most erudite historical student of his day. At the same time he kept details in a large perspective; his fastidious accuracy and passion for completeness might otherwise have savored of pedantry. Thus equipped, he influenced others especially by association and example, his knowledge and counsel being much sought and freely given.

From Germany and Austria comes report of the death of Professor Ihne, author of the *Roman History*; Dr. Julius Köstlin, biographer of Luther; Pastor Tollin, author of studies on the Huguenots and on Servetus; Wilhelm Martens, church historian; Dr. Adolph Beer, who worked particularly in Austrian history of the later eighteenth century; and Dr. Max Büdinger, writer of the Ranke school and in many fields. Also,

from Belgium the death is announced of M. A. Motte, professor in the University of Gand, and student particularly of ancient history and of the religious wars; and from Russia, of Professor Karl Tigerstedt, of the University of Helsingfors, who occupied himself mainly with the history of Finland.

Dr. Henry A. Sill and Dr. Ralph C. H. Catterall have been appointed assistant professors at Cornell, the former to be in charge of ancient history and the latter of modern European history. Dr. Catterall, however, will not take up his work until another year.

Dr. Norman M. Trenholme, of Pennsylvania State College, has been given charge of the work in history at the University of Missouri, with the position of assistant professor. Dr. Jonas Viles goes to the same institution as instructor.

Dr. J. H. Latané, hitherto professor in Randolph-Macon Woman's College, Lynchburg, has become professor at Washington and Lee University.

After all, the International Congress for the Historical Sciences may yet be realized. Dr. Nasi, Italian Minister of Education, Prince Colonna, Mayor of Rome, and Dr. Gorrini, Director of the Archives, as representatives of the committee in charge, announce that the congress will meet in Rome next April.

In the *Revue de Synthèse Historique* for June, M. Xénopol examines at length the second part of Rickert's recent work on "Die Grenzen der naturwissenschaftlichen Begriffsbildung, eine logische Einleitung in die historischen Wissenschaften" (Tübingen and Leipzig, Mohr), and M. Beer discusses Seignobos's "La Méthode Historique Appliquée aux Sciences Sociales."

In April appeared the first number of a periodical entitled *Politisch-anthropologische Revue*, the chief aim of which is "to make the principles of the evolutionary thinking which prevails in the natural sciences of more effect in reference to the social, political and *geistig* development of races and states." It is published monthly, at twelve marks, by L. Woltmann and H. Buhmann (Eisenach, Thüringische Verlagsanstalt).

The *Deutsche Monatschrift*, lately begun by I. Lohmeyer, has already presented several noteworthy articles, particularly: A. Kirchoff, *Das Meer im Leben der Völker und in der Machtstellung der Staaten* (in number 2); Th. Lindner, *Die Entwicklung des deutschen Nationalbewusstseins* (3); and O. Hintze, *Weltgeschichte und Weltpolitik* (5).

It will be of interest that the present Lord Acton has arranged to publish, with Messrs. Macmillan, his father's lectures as professor at Cambridge, one course of which related to the French Revolution and another to general modern history. In conjunction with a reprint of the inaugural lecture, they will form two volumes. It is hoped also, later on, to publish one or more volumes of essays.

Mr. Nelson Case, in an octavo of some four hundred and twenty pages, attempts to set forth the origin and development of the governments of modern Europe, from the fall of the western Roman empire to the close of the nineteenth century: *European Constitutional History* (Cincinnati, Jennings and Pye).

Ten Thousand Miles in Persia, by Major Sykes, besides being a record of travel in eastern and southern Iran contains considerable historical matter, especially with reference to the journeys of Alexander the Great and Marco Polo (London, Murray).

Mention may well be made here of *The Oxford History of Music*, which began to appear early this year. It will consist, when completed, of six volumes. Most histories of music are given especially to biography; this one is to show the continuous evolution of music: it will deal "with the art rather than the artist" (Clarendon Press). We note also the publication of *Music in the History of the Western Church*, by F. Dickinson, with an introduction on religious music among primitive and ancient peoples (New York, Scribners).

The new volumes of the *Encyclopædia Britannica* represent an endeavor to bring that work up to modern requirements; and the additions will be extensive, the third volume going only to "Eld." An index, too, is promised for the completed work—the ninth edition and the new volumes (London, A. and C. Black and the *Times*). We note also the publication of the second volume of *The Jewish Encyclopedia*, covering the subject from "Apocrypha" to "Benash" (Funk and Wagnalls).

Mr. Jonathan Nield has served his fellows not unwell by tabulating several hundred historical novels according to the period in which their scenes are laid: *A Guide to the best Historical Novels and Tales* (Putnams). This list will no doubt supersede the one by Mr. H. C. Bowen, published some twenty years ago.

ANCIENT HISTORY.

The Clarendon Press has issued the first of a series of volumes on the history of Egypt until the Roman conquest: *History of Egypt from the end of the Neolithic Period to the Death of Cleopatra*, by E. A. W. Budge. Vol. I., *Egypt in the Neolithic and Archaic Periods*.

A late book by Mr. C. W. C. Oman treats of the Gracchi, Sulla, Crassus, Cato, Pompey, and Cæsar: *Seven Roman Statesmen of the Later Republic*. It is intended "to show the importance of the personal element in those miserable days of storm and stress" (Longmans). Here also may be noted a fall announcement in the "Heroes of the Nations": *Augustus Cæsar, and the Organization of the Empire of Rome*, by Mr. J. B. Firth (Putnams).

The second volume of *Les Institutions juridiques des Romains*, by M. Édouard Cuq, appeared in the summer; it bears the sub-title: "Le Droit classique et le Droit du Bas-Empire" (Paris, Plon-Nourrit).

The *History of the Roman People* by Professor Charles Seignobos can now be used in American schools. The editor of the translation is Dr. William Fairley, who also adds five chapters on the period from Theodosius I. to Charlemagne (Henry Holt and Co.).

Noteworthy article: A. Bouché-Leclercq, *La Question d'Orient au Temps de Cicéron* (Revue Historique, July and September).

MEDIEVAL HISTORY.

Announcement has been made, in the "Heroes of the Nations," of *Mediæval India under Mohammedan Rule*, by Mr. Stanley Lane-Poole (Putnams).

Professor Charles Seignobos's *Le Régime Féodal*, which forms the opening chapter of the second volume of the Lavissee-Rambaud *Histoire Générale*, has been done into English under the editorship of Professor Earle W. Dow, and published in an octavo pamphlet of some seventy pages. If it is favorably received in this form it is designed to become one of a series of such publications, with the object of making more available some of the best treatments of specially important subjects in the field of general history (Henry Holt and Co.).

The second and third numbers of the "Opuscules de Critique Historique" relate, like the first, to St. Francis, and are both edited by M. Paul Sabatier: *Description du Manuscrit franciscain de Liegnitz (Silésie)*, and *S. Francisci Legendæ Veteris Fragmenta Quædam* (Paris, Fischbacher).

A noteworthy thesis was sustained recently before the Faculty of Letters at Paris by M. Eugene Déprez: *La Papauté, la France et l'Angleterre, 1328-1342*, a detailed study of the origins of the Hundred Years' War (Paris, Fontemoing). Also, M. Déprez plans to supplement this volume with three others, in which he will deal in like manner with the relations between the Papacy, France and England from the treaty of Paris to the peace of Bretigny (1259-1360).

Two notable additions have been made to the Dent-Macmillan "Mediæval Towns": *Prague*, by Count Lützow; and *Cairo*, by Mr. Stanley Lane-Poole.

The admirable text-book of medieval history written by M. Charles Bémont for the Monod series for French schools has just appeared in an English version, made under the editorship of Professor George B. Adams (Henry Holt and Co.).

Noteworthy articles in periodicals: C. Enlart, *Une Colonie française du Moyen Âge: le Royaume de Chypre* (Minerva, from August 1); C. Daux, *La Protection apostolique au Moyen Âge* (Revue des Questions Historiques, July).

MODERN HISTORY.

The first volume of "The Cambridge Modern History" is announced for November. Under the general title of *The Renaissance*

are some twenty chapters by near as many writers. Dr. Henry C. Lea, for America, deals with "The Eve of the Reformation." The following list indicates the titles of the remaining volumes: II. The Reformation; III. Wars of Religion; IV. The Thirty Years' War; V. Bourbons and Stuarts; VI. The Eighteenth Century; VII. The United States; VIII. The French Revolution; IX. Napoleon; X. Restoration and Reaction; XI. The Growth of Nationalities; XII. The Latest Age. The successive volumes are to be published in two series, beginning respectively with Vol. I. and Vol. VII.; and it is hoped to issue two each year (The Macmillan Company).

Announcement has been made of a new series of special monographs devoted to the history and literature of the Italian Renaissance: *Biblioteca Storica del Rinascimento*, edited by Signor F. P. Luiso. It will deal with special phases of Renaissance life and culture, with the less known of the humanists and with minor but significant figures in the history of the period. The first volumes on the list are Guido Mazzoni's translation of Munz's book on the precursors of the Renaissance, with additions by the author, and Schiaparelli's *La Casa Fiorentina nei Secoli XIV. et XV.* (Florence, Sansoni).

An English edition has been made of F. Kircheisen's bibliography of Napoleon, already issued in both German and French: *Bibliography of Napoleon* (London, Low). It appears from the preface to be a preparatory work, comprising a selection from some thirty thousand titles. By way of bibliographies in the field of modern history note may also be made of a *Repertorium der neueren Kriegsgeschichte, von * ** (Oldenburg, G. Stalling). It, too, is a selection, prepared primarily for German officers.

A History of the Nineteenth Century Year by Year, by Edward Emerson, Jr. (P. F. Collier), which is designed "to group in moderate compass the central facts of each country's development during the past century in such a way as to make them easily accessible to the inquirer," will be published soon by Messrs. Dodd, Mead and Co. in a new edition.

In *Progress of South Africa in the Century* Dr. Theal practically gives a history of Africa south of the Zambesi from 1795 to 1899, or from the first English occupation of the Cape to the outbreak of the recent Boer war (London, Chambers).

The publication is begun of the diplomatic correspondence between France and Russia from 1814 to 1830, under the care of the president of the Imperial Historical Society of Russia, A. Polovtsoff: *Correspondance diplomatique des Ambassadeurs et Ministres de Russie en France et de France en Russie avec leurs Gouvernements*. Vol. I., 1814-1816 (Paris, L. Conard).

Messrs. Little, Brown and Co. are bringing out a new volume by Captain Mahan under the title *Retrospect and Prospect*. It contains essays on the development of political feeling and outlook in the United States

during the last decade, effect of the war in South Africa on the prestige of the British empire, motives to imperial federation, conditions influencing the distribution of navies, the relation of the Persian Gulf to world politics, and the military rule of obedience.

Among late publications upon contemporary history are: *Conquête de Madagascar (1895-1896)*, by J. Poirier (Paris, H. Charles-Lavauzelle); the third and concluding volume of H. Cordier's *Histoire des Relations de la Chine avec les Puissances Occidentales* (Paris, Alcan); the second volume of *The Times History of the War in South Africa*, by L. S. Amery, which is said to deserve almost unreserved praise (London, Low); *The Uganda Protectorate*, 2 vols., by Sir Harry Johnson (Dodd, Mead and Co.); *Asiatic Russia*, 2 vols., by Professor G. F. Wright, of Oberlin College (McClure, Philips and Co.); *Memoirs of Sir Edward Blount*, edited by Stuart J. Reid (Longmans); the American edition of Mr. Henry Norman's *All the Russias* (Scribners); and *Progress of India, Japan, and China in the Century*, by Sir Richard Temple, in "The Nineteenth Century Series" (London, Chambers).

Noteworthy articles in periodicals: P. S. Allen, *Hieronimus Balbus in Paris* (English Historical Review, July); H. Hüffer, *Der Feldzug der Engländer und Russen in Holland im Herbst 1799 und die Stellung Preussens*, II. (Historische Vierteljahrschrift, July); J. F. Chance, *The Baltic Expedition and Northern Treaties of 1715* (English Historical Review, July); Albert Sorel, *La Paix d'Amiens* (Revue des Deux-Mondes, from August 1); Benjamin B. Warfield, *The Printing of the Westminster Confession*, concluded (The Presbyterian and Reformed Review, July).

GREAT BRITAIN.

Late publications of the British government include the second volume of the *Calendar of the Close Rolls, Edward I., 1279-1288*, by W. H. Stevenson; the fifth volume of the *Calendar of the Patent Rolls, Edward III., 1343-1345*, by R. F. Isaacson; another of Mr. Pike's year-books of Edward III., *Year-Books of the Reign of Edward III.: Year XVII.*; a volume for 1577-1578 in the *Calendar of State Papers, Foreign*, by A. J. Butler; *Calendar of State Papers, Domestic, 1673*; and *Acts of the Privy Council*, Vol. XXV., relating to the period from October 1595 to June 1596.

The latest issue in Messrs. Goupil's richly illustrated series on the English sovereigns is *Henry VIII.*, by A. F. Pollard. Some of the criticism the book has had so far speaks better for its pictures than for its text.

The *Letters Received by the East India Company from its Servants in the East*, edited by W. Foster, has reached its sixth volume, which relates to the latter half of the year 1617 (London, Low).

Mr. Andrew Lang, with all his other writings, has found time to make a book on *James VI. and the Gowrie Conspiracy*. He believes he has demonstrated at least one point, the innocence of James VI. (Longmans).

The *South Atlantic Quarterly* for July has an article, by Dr. Bernard C. Steiner, on "Two New England Rulers of Madras." It treats of Elihu Yale, governor from 1687 to 1692, and of his successor, Nathaniel Higginson, who held office until 1698.

The letters of Monsieur César de Saussure to his family, giving the impression formed of England by an educated Frenchman during his stay there in 1725 to 1729, have been translated and edited by Madame van Muyden: *A Foreign View of England in the Reigns of George I. and George II.* (London, Murray).

A presentation of the main outlines of English history—a certain knowledge of the facts being presupposed—is the purport of a little volume by Miss Lucy Dale: *The Principles of English Constitutional History*, published in this country by Longmans, Green and Co.

Students of the history of English municipal institutions will note with pleasure, in the *English Historical Review* for July, the first part of a considerable study, by Miss Mary Bateson, entitled "A London Municipal Collection of the Reign of John." They will also be interested in the progress of the "Calendar of Letter Books of the City of London"; the latest volume contains Letter-Book D, which is mainly concerned with the years 1309-1314, and a detailed introduction by the editor, Dr. Sharpe.

The second issue in "The Historic Families" series—it will be recalled that the first dealt with the Douglasses—gives a record of the Percys: *A History of the House of Percy*, 2 vols., by Gerald Brennan (London, Freemantle).

Noteworthy article: C. H. Firth, *Cromwell and the Crown* (English Historical Review, July).

FRANCE.

It is announced that the *Répertoire Méthodique du Moyen Age français*, published for two years (1894 and 1895) by M. A. Vidier, is to be revived. It will cover in the next issue publications of 1901, will appear as formerly in connection with *Le Moyen Age*, and will be under the direction of M. R. Poupardin.

The fifth volume of the *Catalogue des Manuscrits Français*, recently issued, with a preface by M. Léopold Delisle, completes the inventory of the old body of French manuscripts in the Bibliothèque Nationale. A general alphabetical index of the work will appear in due time (Paris, Firmin-Didot).

The status of studies relating to the economic history of France in the Middle Ages is the subject of an excellent article by M. P. Boissonnade in the *Revue de Synthèse Historique* for June: "Les Études Relatives à l'Histoire Économique de la France au Moyen Age."

The publishers have distributed the first fascicle of the *Lettres Secrètes et Curieuses du Pape Urbain V se rapportant à la France*, drawn from the registers in the Vatican by P. Lecacheux. There will be five

fascicles in all; three of text, one for introduction and tables, and one for an analytical table of the pieces in registers that do not relate to France (Paris, Fontemoing).

Louis XIII d'après sa Correspondance avec le Cardinal de Richelieu (1622-1642), by the Comte de Beauchamp, claims to show the King in a new light; making him a healthy, robust man who occupied himself personally with the administration of the kingdom and considered Richelieu as his best collaborator (Paris, Renouard).

Mémoires des Evêques de France sur la Conduite à tenir à l'Égard des Réformés (1698) is the first volume in the "Archives de l'Histoire Religieuse de la France." It will be recalled that this series, announced some time ago, will aim to provide a collection of documents of capital interest for the history of beliefs, ideas, customs and social and political life in France (Paris, Picard).

M. Ch. Gomel continues his studies of the financial history of the French Revolution, his latest volume bearing the title *Histoire financière de la Législative et de la Convention, I.: 1792-1793* (Paris, Guillaumin).

L'État actuel des Études d'Histoire Moderne en France, the report which MM. Caron and Sagnac drew up for the expected historical congress at Rome, contains a sketch of organization of work, with reference to centers of production, forms of production, and bibliographical equipment; a somewhat longer account of what is now being done and what there is yet to do; and a brief characterization of the work of present French historians in the modern field. It would be well to have such reports for other countries also, and for the earlier as well as the later periods. An intelligent invoice of the general situation cannot be less than interesting to all, and to the great majority of students it is positively instructive (Paris, Société nouvelle de Librairie et d'Édition).

The *Répertoire méthodique de l'Histoire moderne et contemporaine de la France pour l'Année 1900*, by MM. Brière and Caron, was sent out in the summer. Its increasing usefulness is indicated in part by the fact that the number of titles has risen from 2038 the first year and 3638 the second to 4347. Also the plan of classification is considerably changed; chiefly, the publications formerly listed under "Histoire par Époques" are now distributed between "Histoire Politique Intérieure," "Histoire Diplomatique" and "Histoire Militaire" (Paris, Société nouvelle de Librairie et d'Édition). It will be welcome, in this connection, that the authors of this *Répertoire* have been charged by the Société d'Histoire Moderne with the preparation of a bibliography of the history of France from 1789 to the present time. This bibliography will comprise two volumes, one devoted to sources and the other to "travaux"; and if it is favorably received, attention will be given to the period from 1500 to 1789. It may be added that the society has in view other bibliographies of the same kind.

Noteworthy articles in periodicals: H. See, *Les Idées politiques au Temps de la Fronde* (Revue d'Histoire Moderne et Contemporaine, May-September); Alfred Bourget, *Le Duc de Choiseul et la Hollande*, I. (Revue Historique, July); F. des Robert, *Le Marquis de Dangeau et le Palatin, 1672-1673* (Revue des Questions Historiques, July); M. Marion, *Un Épisode du Mouvement de 1789 à Bordeaux, d'après un Document Inédit* (Revue d'Histoire Moderne et Contemporaine, May-September); A. de Ganniers, *Les Écoles militaires en France sous la Révolution* (Revue des Questions Historiques, July).

ITALY, SPAIN.

Two important additions have been made this year to the Villari historical series: *L'Imperatore Giuliano l'Apostata*, by G. Negri, and *L'Epoca delle Grandi Scoperte Geografiche*, by Professor Errera, of Turin, (Milan, Hoepli).

Mr. R. M. Johnston sends us word of his discovery of a copy of the memoirs of Queen Mary Caroline, a manuscript which he describes as especially informing upon the Queen's relations with Lord William Bentinck; as dealing at length with the years 1805 to 1814; and as containing in an appendix copies of a large number of documents, many unpublished, some of importance. It appears in this connection that Mr. Johnston is engaged upon a history of Naples from 1805 to 1821.

Students of the "Risorgimento" welcome the publication of Volume III. of Arbib's important *Cinquant Anni di Storia Parlamentare del Regno d'Italia* (Rome, Tipografia della Camera dei Deputati, 1902). This volume covers the years 1863-1870; other volumes are in preparation. It is to be regretted that the writer holds so closely to the analytical method in his account of the parliamentary discussions. An occasional sympathetic view of Italian political thought, as expressed by the representatives of the nation, would have added much to the value of the work.

De Fellissent's *Il Generale Pianell e il suo Tempo* (Verona, Drucker, 1902) is a biography, properly so called, and the only such book yet written upon that able and prominent Italian general. It is of considerably less interest, however, than Pianell's own *Lettere e Ricordi Familiari* (Naples), published a year ago by his widow.

Spanish historical publications of the past year include notably, in the matter of sources, two new volumes (IV. and V.) of *Cortes de los Antiguos Reinos de Aragón y Valencia y Principado de Cataluña*, containing acts of the Catalan Cortes for the years 1377-1410; the twentieth volume of *Actas de las Cortes de Castilla*, comprising documents of the years 1602-1604; and three additions to the *Monumenta Societatis Jesu*: "Epistolæ P. Nadal," "Epistolæ Mixtæ," and "Monumenta Pædagogica."

Among the new books relating to the general history of Spain are *La Moneda Castellana*, by Señor Vives; *Don Juan de Austria en Flán-*

des, by Señor Barado; and *Los Moriscos Españoles y su Expulsión*, in two volumes by Señor Boronat. In the local field mention may be made especially of a history of the villains of Catalonia, by Señor Hinojosa; *Origen y Vicisitudes de la Pajesía de remensa en Cataluña*.

Announcement has been made of a three-volume history of protestantism and the inquisition in Spain during the sixteenth century: *Beiträge zur Geschichte des spanischen Protestantismus und der Inquisition im sechzehnten Jahrhundert*, by Dr. Ernst Schäfer. The second and third volumes are to contain documents, drawn mainly from the archives in Madrid and Simancas (Gutersloh, Bertelsmann).

Noteworthy article: G. Desdevises du Dezert, *Le Conseil de Castille au XVIII^e Siècle*, conclusion (*Revue Historique*, July).

GERMANY.

An English and a French diagnosis of modern Germany have appeared about the same time; *German Empire of To-day*, by Veritas (Longmans); and *L'Impérialisme Allemand*, by Maurice Lair (Paris, Colin).

Noteworthy articles in periodicals: Richard Fester, *Sleidan, Sabinus, Melancthon* (*Historische Zeitschrift*, LXXXIX., 1); Louis Paul-Dubois, *Frédéric le Grand, d'après sa Correspondance politique* (*Revue des Deux-Mondes* from July 1); Friedrich Meinecke, *Friedrich Wilhelm IV. und Deutschland* (*Historische Zeitschrift*, LXXXIX., 1); Otto Bremer, *Politische Geschichte und Sprachgeschichte* (*Historische Vierteljahrschrift*, July); Hermann Bloch, *Paul Scheffer-Boichorst* (*Historische Zeitschrift*, LXXXIX., 1).

BELGIUM.

The second volume of Professor Pirenne's *Histoire de Belgique*, lately published, goes to the death of Charles the Bold in 1477. By agreement it appeared first in a German translation, in the "Geschichte der Europäischen Staaten" (Gotha, Perthes).

The Belgian Royal Historical Commission has lately brought out a short but important contribution to the economic history of the Netherlands: *Documents pour servir à l'Histoire des Prix, de 1381 à 1784*, by M. H. Van Houtte (Brussels, Kiessling).

AMERICA.

We have the pleasure of announcing that practically all arrangements have been made for the publication, by Messrs. Harper and Brothers, of a co-operative history of the United States, edited by Professor Albert Bushnell Hart. This work will comprise twenty-six volumes, grouped under the general title *The American Nation. A History from Original Material by Associated Scholars*. Each volume will have about three hundred pages, and besides the text will contain some illustrative matter, a few maps, a chapter of critical bibliography, and an index. There will also be a general index, forming a separate volume. The period covered will be from the discovery to the present day; the

geographical field, that part of North America which is now the United States; and personal, social and economic factors are to enter in, as well as political. The divisions of the work will be chronological; "the log shall be sawed into sections, not split into rails." According to the proposed plan, the several sections have been grouped and named and distributed to writers as follows: *Group I.—Foundations of the Nation.* 1. European Background of American History (XV.—XVI. Centuries). Professor E. P. Cheyney. 2. American Conditions of American History (XV.—XIX. Centuries). Mr. W J McGee. 3. Spain in America (1450—1580). Professor E. G. Bourne. 4. England in America (1580—1652). President L. G. Tyler. 5. Self-Governed Colonization (1652—1689). Professor Charles M. Andrews. *Group II.—Transformation into a Nation.* 6. A Half-Century of Commonwealth Building (1690—1740). Professor E. B. Greene. 7. The French and the English (1750—1763). Mr. R. G. Thwaites. 8. Preliminaries of the Revolution (1763—1776). Professor George E. Howard. 9. The Revolution (1776—1789). 10. Constitution Building (1781—1789). Professor A. C. McLaughlin. *Group III.—Development of the Nation.* 11. The Federalist System (1789—1801). Professor McLaughlin. 12. The Republican System (1801—1811). Professor Edward Channing. 13. The Nation Finds Itself (1811—1819). Professor K. C. Babcock. 14. The New West (1819—1829). Professor F. J. Turner. 15. The New Democracy (1829—1837). Professor William McDonald. *Group IV.—Trial of Nationality.* 16. Elements of the Slavery Contest (1834—1841). Professor Hart. 17. Westward Extension (1841—1850). Professor George P. Garrison. 18. Politics and Slavery (1851—1859). Professor T. C. Smith. 19. Elements of the Civil War (1859—1861). Mr. W. G. Brown. 20. The Appeal to Arms (1861—1863). Mr. J. K. Hosmer. 21. Outcome of the Civil War (1863—1866). Mr. Hosmer. *Group V.—National Expansion.* 22. Reconstruction, Political and Economic (1866—1877). Professor W. A. Dunning. 23. New Foundations for National Life (1877—1885). 24. Problems of the Wealthy Republic (1885—1897). Mr. W. C. Ford. 25. America the World Power (1898—1905). Professor J. H. Latané. 26. Ideals of American Government (1870—1905). Professor Hart.

Messrs. Harper and Brothers are issuing this fall *A History of the American People*, in five volumes, by President Woodrow Wilson. The first three hundred and fifty impressions will form a "limited alumni edition," offered to alumni of such colleges as have known Dr. Wilson as an instructor or have honored him with a degree.

Two volumes of essays left ready for the press by Mr. John Fiske are being published this autumn by the Macmillan Company, under the title *Essays: Historical and Literary*. They refer mainly to prominent characters in American history.

Students of the period of discovery will note with interest a new book by Henry Vignaud, First Secretary of our Legation at Paris: *Toscanelli*

and Columbus: the Letter and Chart of Toscanelli on the Route to the Indies by way of the West, sent in 1474 to the Portuguese Fernam Martins, and later on to Christopher Columbus. It is a critical study on the authenticity and value of these documents and the sources of the cosmographical ideas of Columbus, and also contains the various texts of the letter, with translations, annotations, several facsimiles, and a map (London, Sands). Of the same bearing is an article in the *Compte Rendu du Congrès International des Américanistes*, held in September, 1900: "La Solution de tous les Problèmes relatifs à Christophe Colomb et en particulier de celui des Origines ou des prétendus Inspirateurs de la Découverte du Nouveau Monde," by M. Gonzalez de la Rosa.

The Putnams have in preparation a three-volume history of Christopher Columbus, by John Boyd Thatcher. One object in view is to put before the reader the information that was accessible at the end of the fifteenth and the beginning of the sixteenth centuries; wherefore old manuscripts, charts and accounts are reproduced in full. Also, an investigation is made of the disputes and discussions of recent years.

Messrs. Appleton have published the first number of "Appleton's Life Histories," *Father Marquette, the Explorer of the Mississippi*, by Mr. R. G. Thwaites. The next volume announced in this series is *Daniel Boone*, also by Mr. Thwaites.

A handsome new edition has been issued of the *History and General Description of New France*, the work of Charlevoix as translated by the late Dr. J. G. Shea, with a new memoir and bibliography of the translator by Noah F. Morrison, all in six volumes (London, Edwards).

The Burrows Brothers Company, of Cleveland, is publishing a series of reprints of historical and bibliographical importance, beginning with Denton's *A Brief Description of New York, formerly called New Netherlands*, from the original edition of 1670 in the Library of Congress, and with a bibliography by Felix Neumann. Other numbers announced are Wooley's *Journal during Two Years' Residence in New York*, edited by Professor E. G. Bourne; Miller's *Description of New York*, Budd's *Good Order in Pennsylvania*, Alsop's *A Character of the Province of Maryland*; and Ferdinand Columbus's life of his father, Christopher Columbus, prepared by Professor Bourne.

Two recent books dealing with colonial government appear to contain matter of interest to students of American history: *Colonial Government: An Introduction to the Study of Colonial Institutions*, by Paul S. Reinsch (Macmillan); and *The Administration of Dependencies*, a study, from the legal side, of the evolution of the federal empire, with special reference to American colonial problems, by A. H. Snow (Putnams).

Several books of an educational order have been published lately or are announced to appear soon. We note: *American Politics*, by Professor J. A. Woodburn (Putnams); *American Constitutional History*, by Alexander Johnston, edited from Lalor by Professor Woodburn; *Source*

Readers in American History. No. 1, *Colonial Children*, selected and annotated by Professor A. B. Hart, with the collaboration of Miss Blanche E. Hazard (Macmillan); *Studies in United States History*, a guide for the use of students and teachers, by Sara M. Riggs (Ginn and Co.).

It is said that Mr. Paul Leicester Ford was at work, at the time of his death, upon an extensively annotated edition of Weems's *Washington*, and that he had it so far along that it is possible to complete it.

In a letter in the New York *Evening Post* of August 14, Dr. Herbert Friedenwald gives some new information in regard to the date of the signing of the Declaration of Independence. Elbridge Gerry wrote Samuel and John Adams from Kingsbridge, July 21: "Pray subscribe for me the Declaration of Independency, if the same is to be signed as proposed. I think we ought to have the privilege, when necessarily absent, of voting and signing by proxy." Moreover, assuming that August 2 was the date of the general signing, Gerry must be classed with Thornton and McKean as a later signer; since he did not return to Philadelphia until September 1, and since his "signature, like McKean's, comes at the end of the delegation from his State and is somewhat crowded in."

The United States Catholic Historical Society has published, as the first number in a series of "Monographs," *Unpublished Letters of Charles Carroll of Carrollton, and of his Father, Charles Carroll of Doughoregan*, compiled and edited, with a memoir, by T. Meagher Field.

The Reverend A. M. Sherman enters considerably into the Revolutionary War in *The Life of Captain Jeremiah O'Brien of Machias, Me.* Former secretary John D. Long contributes the introduction (Lynbrook, New York, G. W. Sherman).

The Loyalists of the American Revolution, by Dr. C. H. VanTyne, Senior Fellow in the University of Pennsylvania, will be published this autumn. A history of the political and social struggle between the American Whigs and Tories, it treats a relatively neglected side of the Revolution, and especially from material hitherto not used (Macmillan).

Mr. D. H. Chamberlain read before the Massachusetts Historical Society, at its May meeting, a valuable paper on "The Historical Conception of the United States Constitution and Union," in which he examined a dictum by Mr. Goldwin Smith and a statement of Mr. Henry Cabot Lodge, to the effect that at the beginning every one supposed that a state could at any time peaceably and legally withdraw from the Union. Mr. Chamberlain does not simply plead the general issue and leave the affirmative to its proofs—which might indeed have been sufficient. He examines the material and lays down in his turn the positive statement that "there was not a man in the country who thought or claimed that the new system was anything but a perpetual Union."

The Rise of Commercial Banking Institutions in the United States is the title of a doctoral dissertation prepared by Adolph Oscar Eliason, of the University of Minnesota. The study is almost altogether confined to the period preceding the formation of the First Bank of the United States. The tardy rise of banking institutions is attributed to the peculiar condition of the colonial trade, to which the author gives some attention as the foundation of his thesis.

We have received the second annual number of the John P. Branch *Historical Papers of Randolph-Macon College*, edited by Professor William E. Dodd. It contains especially: "The Whiskey Insurrection in Pennsylvania and the Opinions of Contemporary Party Leaders Concerning its Suppression," by B. W. Bond, Jr.; another portion of the "Correspondence of Leven-Powell," comprising letters of the years 1775-1787 which bear upon the Revolutionary War and the settlement of Kentucky and its separation from Virginia; "Letters bearing on the War of 1812"; and "Letters of Thomas Ritchie—Glimpses of the Year 1830." The publication of such material should accomplish even more than the object avowed by the editor, which is "to stimulate and encourage the study and writing of history in Randolph-Macon College."

The leading article of the July number of the *William and Mary College Quarterly* is "A Diary Kept by Dr. Robert Wellford, of Fredericksburg, Virginia, during the March of the Virginia Troops to Fort Pitt (Pittsburg) to Suppress the Whiskey Insurrection."

We note the following publications of interest to students of American church history: *Methodist Episcopal Church in America*, being the doctrines of the Methodist Episcopal Church in America as contained in its disciplines from 1788 to 1808, compiled and edited with an historical introduction by J. I. Tigert, D.D. (Cincinnati, Jennings and Pye); and *A History and Record of the Protestant Episcopal Church in the Diocese of West Virginia, and, before the Formation of the Diocese in 1878, in the Territory now known as the State of West Virginia*, by G. W. Peterkin (Charleston, West Virginia, the Tribune Company).

Upon the proposition of Mr. Adolph Moses, of the Chicago Bar, followed by the action of the Chicago and the American Bar Associations, the fourth of February, 1901, being the hundredth anniversary of the day that John Marshall took his seat in the Supreme Court of the United States, was celebrated in all parts of the country as John Marshall Day. The proceedings held in Chicago on that occasion, and those before the Supreme Court of Illinois, have been published, in handsome form, by the associated committees in charge of the celebration. Among the many items we may mention especially "The Centennial Oration," by Henry Cabot Lodge.

The June and July *Bulletins* of the New York Public Library give the fourth and fifth installments of letters of James Monroe. They belong to the years 1812-1817 and 1820-1823.

The documents printed in the June and July *Bulletins* of the Boston Public Library consist of letters bearing mainly on the politics of the fourth and fifth decades of the last century; with two exceptions they belong to the years 1828-1848. Those in the August and September numbers are of earlier date, 1674-1770. Besides letters they include, among other pieces: an action of the Privy Council on petition of John Usher, treasurer and receiver general of New England (1689); a committee report in reference to the Boston Free Grammar School, in 1710; and a deposition concerning the impressment of one Edward Maylem.

The second volume of the *Political History of the United States; with Special Reference to the Growth of Political Parties*, by J. P. Gordy, was published in the summer. It presents its facts with a view toward two conclusions: "That unwise financial legislation was primarily responsible for the dangerous position of the country at the close of the War of 1812, and that public opinion of the North with reference to the negro prior to 1830 differed but little from that of the South; the greater readiness to free him in the former section having been due to the fact that if freed he would live in the South" (Henry Holt and Co.).

Lincoln and General Sherman are portrayed in two late issues of the "Biographies of Famous Men," the former by Joseph H. Barrett and the latter by W. F. Johnson (Chicago, M. A. Donohue and Co.). Also, apropos of Lincoln, the Century Company will publish a condensed edition, prepared by the late John G. Nicolay, of the Nicolay-Hay life, designed to contain all the essential facts of the ten-volume edition.

Among new books bearing on the Civil War are *The first New York (Lincoln) Cavalry from April, 1861, to July 7, 1865*, by W. H. Beach (Milwaukee, C. N. Caspar Co.); *History of the Sixty-eighth Regiment, Indiana Volunteer Infantry, 1862-1865*, with a sketch of E. A. King's brigade, Reynold's division, Thomas's corps, in the battle of Chickamauga, by Edwin W. High (Metamora, Indiana, by the author).

Among the most interesting of the fall announcements is Dr. Edward Everett Hale's *Memories of a Hundred Years* (Macmillan).

The Founders of the Massachusetts Bay Colony, by Sarah Saunders Smith, is published as "a careful research of the earliest records of many of the foremost settlers of the New England Colony, compiled from the earliest church and state records" (Washington, Woodward and Lothrop).

The last numbers (9 and 10) have been published of Mr. W. W. Tooker's Algonquian series of *Researches Relating to the Early Indians of New York and New England* (New York, F. P. Harper).

The history of Long Island forms the subject of an illustrated three-volume work by P. Ross: *A History of Long Island, from its Earliest Settlement to the Present Time* (New York and Chicago, Lewis Publishing Co.).

The Pennsylvania Magazine of History and Biography for July opens with the first part of "Joseph Galloway, the Loyalist Politician," by Dr. Ernest H. Baldwin. In addition it continues "William Biles," "The Society of the Sons of Saint Tammany of Philadelphia," "Life of Margaret Shippen, Wife of Benedict Arnold," and concludes "Popp's Journal, 1777-1783," "Dean Tucker's Pamphlet," "Memoirs of Brigadier-General John Lacey, of Pennsylvania," and "Letters of Presidents of the United States and 'Ladies of the White House.'"

The lists of the faithful published for a number of years in the *Records of the American Catholic Historical Society of Philadelphia* are to be continued by sacramental registers of marriages and baptisms. A beginning of these is made in the June number, with that part of the registers at St. Augustine's Church, Philadelphia, that refers to the opening years of the last century.

A list of certificates of removal received at Philadelphia monthly meetings of Friends from 1682 to 1750 has been prepared by Mr. Albert Cook Myers: *Quaker Arrivals at Philadelphia* (Philadelphia, Ferris and Leach).

The Publications of the Southern History Association continues the "Journal of Charles Porterfield" (May and July numbers); and has also, among other articles: "An Old Time merchant in South Carolina," being a digest of correspondence of William Murrell in the ten years beginning with April, 1795, by Kate Furman (May); "Southern Political Views, 1865" (March and May numbers) and "An Account of the Organization and Operations of the Postoffice Department of the Confederate States of America, 1861 to 1865" (July number), by John H. Reagan; and "Diary of a Texas March," kept by W. H. C. Whiting in 1849, when he was engaged in laying out a military road from San Antonio to El Paso (begun in the July number).

The Virginia Magazine of History and Biography for July contains especially further parts of "Virginia Legislative Documents"; "The Germans of the Valley" (begun in the April number), by John Walter Wayland; "An Abridgement of the Laws of Virginia"; "Henry County Records"; and the first installment of the "John Brown Letters."

In the fourth volume (to be published soon) of his *History of South Carolina*, Dr. Edward McCrady covers the years 1780-1883, treating especially Greene's campaign in the South. He thus fulfils his purpose "to trace the history and development of the State of South Carolina socially and politically from the inception of the colony to the end of the American Revolution" (Macmillan).

Students of Southern history will welcome *The Gulf States Historical Magazine*, published at Montgomery, Alabama. It is to be a bi-monthly of sixty-four to one hundred pages, and will be devoted particularly to the history, literature and antiquities of the Gulf states. It proposes to print

historical papers, documents, genealogies and genealogical notes, short articles on minor topics, news, notes and queries, book notes and reviews, and pertinent illustrations. The editor is one of its owners, Thomas M. Owen, Director of the Department of Archives and History for the State of Alabama, and Secretary of the Alabama Historical Society. The first number, which bears the date of July, 1902, contains chiefly "The Beginnings of French Settlement of the Mississippi Valley," by P. J. Hamilton; "John Adair's Observations on Men and Affairs in the Old Southwest, 1809," with notes by R. T. Durrett; "Reminiscences of a Long Life," by Barnard Shipp; and "The Tragedy of the Commissariat," by J. W. DuBose.

Number 4 of the current series of "Johns Hopkins University Studies in History and Political Science" embodies "an effort to trace the development of the public highways of Alabama and to point out their influence upon immigration and settlement": *Internal Improvements in Alabama*, by W. E. Martin (Baltimore, Johns Hopkins Press).

In the July number of the *Quarterly of the Texas Historical Association* Mr. R. C. Clark continues his studies in early Texas history, writing this time upon "Louis Juchereau de Saint-Denis and the Re-establishment of the Tejas Missions"; and Mr. I. J. Cox, fellow in American history at the University of Pennsylvania, treats of "Educational Efforts in San Fernando de Bexar."

"Un Saintongeais Missionnaire chez les Illinois; Gabriel Richard (1769-1832)," by L. Grasilier, appeared in the *Revue de Saintonge et d'Aunis*, for May, 1902. Richard was at one time Delegate in Congress from the territory of Michigan.

The July number of the *Annals of Iowa* gives the concluding portion of Dr. Herriott's "Chapters in Iowa's Financial History," and has besides, among other matter, "The Flood of 1851," by Tacitus Hussey.

The seventh volume of the *Transactions of the Kansas State Historical Society* contains a number of addresses and papers, most of them recollections referring either to the slavery struggle in Kansas or to the trials of the early frontier life. The paper of most general and permanent value is probably one on the "Sources of the Constitution of Kansas," by Miss Rosa M. Purdue.

Two important books on Mormon history appeared in the course of the summer: *The Story of the Mormons, from the Date of their Origin to the Year 1901*, by W. Alexander Linn (Macmillan); and *The Founder of Mormonism* by I. W. Riley, with an introduction by Professor G. T. Ladd, of Yale (Dodd, Mead and Co.).

In the June number of the *Quarterly of the Oregon Historical Society*, M. C. Gerge writes upon the "Political History of Oregon from 1876 to 1895"; Francis Fuller Victor gives a sketch of the First Oregon Cavalry; and H. S. Lyman contributes "Recollections of Horace Hol-

den," which relates Mr. Holden's reminiscences in regard to his adventures in the Pacific Ocean, among the cannibals of Polynesia, some seventy years ago.

"The Alaska-Canadian Frontier," by T. W. Balch, is reprinted from the *Journal of the Franklin Institute*. It reviews the history of the line between Alaska and the British possessions, together with the negotiations between America and Great Britain, since 1825, in regard to it, and concludes in favor of the American contention. There are eight maps (Philadelphia, Allen, Lane and Scott).

Noteworthy articles in periodicals: Don C. Barrett, *The Supposed Necessity of the Legal Tender Paper* (Quarterly Journal of Economics, May); H. Morse Stephens, *Some Living American Historians* (The World's Work, July).

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¹ Like Mucklewrath he discovered in the Bible a storehouse of invective. There is a curious example of this in a letter to Carlstadt in which Luther says he would never have deigned to meet Eck at all in the approaching disputation at Leipzig, *nisi pro populo Christi phrenapatas, mataclogos, anthades, et aeschrocerdes oportuisse redarguere*. These singular *Schmähwörter* are adaptations from the Greek of the Epistle to Titus.

² Compare the following passage in the "Address to the German Nobility," in which Luther rivals Kent's famous tirade in Lear. "Dieser Muthwille und lügenhafte Vorbehalt des Papsts macht nun zu Rom ein solch Wesen, dass niemand davon reden kann. Da ist ein Kaufen, Verkaufen, Wechseln, Tauschen, Rauschen, Lügen, Trügen, Rauben, Stehlen, Prachten, Hurerei, Büberei, auf allerlei Weise Gottesverachtung, dass nicht möglich ist dem Antichrist, lästerlicher zu regieren."

The conservative party, on the other hand, was no more restrained or judicial in its utterances. To them Luther was a fellow who appeared to be "not so much a man as a wicked demon in the form of a man, clothed in the garb of a monk." He has drawn anew all the old errors from hell and collected them "in one stinking puddle." He urges the laity "to bathe their hands in the blood of the priests." He is dragging the credulous German people "in a pitiable fashion towards the abyss of damnation." "His writings breathe out nothing else than sedition, destruction, war, slaughter, rapine, and fire; they are calculated to cause the total destruction of the Christian faith, because he advocates a loose, licentious life, freed from all restraint of law and wholly brutish." These expressions are taken from well considered state papers, and are not simply the outbursts of personal spite.¹

It would, in short, exhaust the rank vocabulary of an irritated Dryden or Pope merely to adumbrate in English the descriptions which each religious party has transmitted to the historian, of the character and motives of the other. For reckless scandal-mongery it would be hard to find anything more outrageous than the Protestant description of Tetzl which still has some currency, or, on the other hand, the vile anecdotes in regard to Luther which Cochlæus has handed down to successive generations of Catholic writers even to the present day. Consequently, as the student of the period descends into the arena, he is deafened by the discordant cries that reach him from every side; yet he must listen with composure and an open mind as Reuchlin and the Cologne professors, Luther, Eck, Prierius, Hutten, and the rest fill the air with mutual recriminations. He must not only listen, he must seek the truth in raging utterances in which all other considerations seem to give way before political and party animosities.

Party rancor is, of course, by no means confined to the early part of the sixteenth century; the worst of it is that the party rancor of this particular period has been perpetuated, and will be perpetuated for a long time to come. The old issues are by no means dead, especially in Germany, to which we have become accustomed to look for constant aid in solving the historical problems of the times.

The period has always had a peculiar attraction for those interested first and foremost in theology, and, with all respect to the signal contributions which have been made by writers of this sort, the general surrender to them of special research in this field has

¹ Compare the Decree of the Diet of Worms (1521), and a mandate of the bishop of Worms (1524).

been doubly disadvantageous from the standpoint of the historian. In the first place, just those phases of the movement have been emphasized which are still, and will be for an indefinite time to come, subjects which few can treat in a perfectly fair-minded way. In the second place, the exclusive attention to the theological and religious phases of the revolt has blinded most of the writers in the past to the equally fundamental social, political, intellectual, economic and institutional changes that accompanied the religious.

A generation ago a distinguished and eloquent German scholar, Wilhelm Maurenbrecher, prepared a remarkable review of the literature relating to the Lutheran movement that had appeared since the days of Myconius and Cochlæus down to the year 1870.¹ From the standpoint of the open-minded historical student who approaches the great theme with none of the predilections of the Protestant, the Catholic, or, above all, of the anti-clerical, but with some understanding of each of them, the results of Maurenbrecher's essay are far from cheering. Aside from the arid *Commentary* of Seckendorf, published in 1688, he finds little or nothing to commend in the innumerable accounts of the subject which preceded that of Ranke (1839-1848).

For the latter writer he professes the admiration which German scholars always express for Ranke, and which to some of us nowadays appears exaggerated and rather inexplicable. We must recollect, however, that the brilliancy of Ranke's work has paled by reason of the very success of the reforms which he did so much to establish in the writing of history. He should be compared, not with the best scholars of to-day, but with Schlosser, Robertson, and d'Aubigné, if we would estimate his true place in the advance of historiography. Ranke at least placed the religious movement in its political setting in a way that none of his predecessors had done. Before the appearance of his book the field had been left mainly to the theologians, who had not only failed to interest themselves in more than one phase of an extremely complex movement, but, what was worse, had each had a system to defend, so that they contributed little to that particular species of theological knowledge of which the lay historian has need.

No one doubts the essential importance of an understanding of the theological issues, even for the student who is ordinarily indifferent to questions of doctrine. But one may seek in vain in a great part of the older treatises on the Reformation, both Protestant and Catholic, for the kind of knowledge which he desires. The Protestant writer is unconsciously led to systematize the uncer-

¹ *Studien und Skizzen zur Geschichte der Reformationszeit.* Leipzig, 1874.

tain gropings and contradictory statements of Luther and then sharply contrast this system with the alleged errors of the Roman Catholics and reconcile it as well as possible with present convictions and practices. Now there are some things in Luther's writings to shock modern susceptibilities and the good man did not always have his feet on the firm ground even of personal conviction; hence the temptations to unhistorical suppressions and adjustments have proved irresistible. The Catholic historian, on the other hand, was confronted by different but equally dangerous pitfalls. Luther's vacillation, his abusive language, and a certain exuberance of overstatement which grieved even his friends completely obscured his greatness in the eyes of his enemies. Moreover, it seems to be practically impossible for one to whom the doctrines of the Roman Catholic Church appeal to understand Luther's attitude towards religion, for otherwise why should the old preposterous motives for his conduct which were alleged in the Edict of Worms still be seriously urged? Catholic writers have never thought of discovering similar motives to account for Paul's or Augustine's beliefs.

While no student of the Protestant Revolt can possibly pursue his work without constant reference to the doctrines of the period, he should view these not as correct or incorrect from the standpoint of a particular set of beliefs, but simply as expressions of the convictions of those with whose conduct he has to deal. "The field must be cleared," as Maurenbrecher concludes, "from all theological *Tendenzen*, whether these come from the right, left, or center. A true history of the Reformation must on principle leave altogether to one side all theological and ecclesiastical bias and partisanship."

A more tolerant spirit in regard to the theological and religious issues of the Protestant Revolt will inevitably bring with it a new estimate of their importance. Clerical historians—upon whom we have had chiefly to depend until recently, whether Protestant or Catholic, have always viewed the medieval church as first and foremost a religious institution. To a class whose main calling in life is the inculcating of religious ideas and the stimulation of religious enthusiasm, religion must naturally appear to have been a constant and determining factor in the past. Protestant writers have consequently attributed to aroused religious sentiment the secession of a considerable portion of Europe from the ancient church in the sixteenth century. While they have willingly ascribed the most heterogeneous beneficent results to the Revolt, they have been loth to admit other than spiritual causes to account for it. The partiality of the Protestant writer for religious phenomena leads him to discover just those data which serve to establish his contention.

His especial interest in religious motives leads him unconsciously to neglect or belittle the importance of all others. In this way his presentation of the case is made to appear plausible and it has until recently been generally accepted without suspicion.

The ardor of the Catholic writer has led him into an equally fatal misapprehension of the situation. His doctrinal bias blinds him to the spiritual grandeur of Luther's work. It is inconceivable to him that anything worthy of the name of religious sentiment could have produced so perverse a rebellion as that of the Protestants. He naturally tends to discover *irreligious* explanations where he should have found only *unreligious* ones. Luther's denial of freewill is ascribed, for instance, not to his study of Augustine, but to his contamination by pagan poets; his attitude towards the celibacy of the clergy to his desire to marry; his deprecation of good works to his natural tendency to licentiousness.

We appear now to be on the point of developing an idea of the scope and cause of the Protestant Revolt that differs radically from the traditional one. Recently one of our most prominent students of the history of the church ventured the assertion that the Reformation could scarcely be called a religious revolution at all. This will seem at first sight utterly paradoxical to most readers; it may certainly prove to be an over statement, but there are nevertheless weighty arguments which may be adduced in support of this conclusion.

The secular study of the medieval church is making clearer and more incontestable from day to day the truth that that institution was by no means exclusively religious. It was not only organized like a modern bureaucracy but it also performed many of the functions which have in modern times been left to the civil government. It dominated the intellectual and profoundly affected the social interests of western Europe. As an economic factor its influence was multiform and incalculable. Mr. Cunningham has very properly emphasized the economic rôle of the monasteries, and other writers, the influence of the church's teaching in regard to usury. When we consider that in the fourteenth century one-third of all the real estate in England is said to have been in the hands of the church, and that the Good Parliament complained that the taxes levied by the Pope upon his English subjects were five times as great as those exacted by the King, we gain some appreciation of the manifold ways in which the existence of the church must have deeply influenced the general economic situation.

The question naturally presents itself, did the public in Germany during the period immediately preceding the Protestant Revolt look

upon the church as a religious institution, or were people pre-occupied with the various other phases of the church's activity? There is perhaps no more striking proof that the issue with the people at large was not primarily a religious one, than that in his first and greatest appeal to the German nation, the "Address to the German Nobility," Luther scarcely adverts to religious matters at all, but deals almost exclusively with the social, financial, educational, industrial, and general moral problems of the day.

If this be true of Luther's appeal, it is far truer of Ulrich von Hutten's various pamphlets. Moreover, in the important and fascinating collection of satires and ephemeral pamphlets collected by Schade, one is constantly impressed by the absence of religious fervor and the highly secular character of the matters discussed. It is true that the writers sometimes adopted a semi-religious method of presentation. For example, we find dialogues at the gate of Heaven, letters passing between the pope and the devil, and a notable visit of St. Peter to earth. In the latter case, however, the report which the saint carries back to Heaven deals chiefly with the bad manners of the children, the difficulties of the servant problem, and other similar worldly themes. The same impression of predominatingly secular interests may be derived from the various lists of complaints drawn up by the German diets.

Whether we are more worldly than previous generations or not, is a question which I have no desire to consider here. We certainly are not so anxious as our forefathers to give a distinctly religious sanction to our secular affairs. Formerly nations negotiated with one another explicitly in the name of the Lord. The Act of the Congress of Vienna was concluded in the name of the "Most Holy and Indivisible Trinity." This does not, however, mislead us for a moment into supposing that the partition of Saxony and the assignment of Poland to the Czar were due wholly, or even chiefly, to religious motives. Ecclesiastical forms and phraseology prevailed in the Middle Ages and continued to prevail long after, and this fact may have served to obscure the essentially worldly interests of those who adhered to a conventional type of expression.

The development of political economy and sociology has attracted our attention to a new class of historical sources and is influencing our interpretation of those that have long been familiar to scholars. Another comparatively modern discovery, that of the law of historical continuity, is likely to work a fundamental change in our explanations of the Protestant Revolt. Formerly writers accounted for the Lutheran movement by so magnifying the horrors of the preëxisting régime that it appeared intolerable

and its abolition consequently inevitable. Unfortunately, this crude solution of the problem proved too much; for conditions were no worse immediately before the revolt than they had been for centuries, and a new theory was logically demanded to explain why these conditions had failed to produce a change long before it actually occurred.

In spite of the harsh criticism to which Janssen's great work on Germany in the sixteenth century¹ has been subjected, it is unquestionably the most important single contribution to the subject during the past thirty years. It has already profoundly and beneficently affected our conception of the whole movement. It has shaken the Protestants from their dogmatic slumber and supplied most important data to the scientifically disposed. The first volume is by far the most important, for it treats of the antecedents of the conflict and of the conditions in Germany during the fifty years preceding Luther's secession from the Roman Church. It is just this period which has been most consistently neglected, in spite of its supreme importance. Protestant writers earlier contented themselves with a brief caricature of the church, a superficial account of the traffic in indulgences, and a rough and ready assumption, which even Köstlin makes, that the darkness was greatest just before the dawn.

It was not left, however, for Janssen to give us our first insight into the spiritual life that prevailed during the latter part of the fifteenth century and the early part of the sixteenth. A humble, patient Bohemian priest, Hasak, set to work, to the great credit of his church, to bring together the devotional works published during the seventy years succeeding the invention of printing.² A consideration of his remarkable collection of tracts cannot fail to make a deep impression upon the reader who is familiar only with the conventional Protestant introductions to the Reformation. Everyone

¹ *Geschichte des deutschen Volkes seit dem Ausgange des Mittelalters* (Freiburg im Br.). The first and perhaps the most important volume, dealing with the conditions in Germany before the opening of the Lutheran Revolt, has reached the sixteenth edition. The last half of the work, Vols. V.-VIII., relate to the conditions before the opening of the Thirty Years' War. Of late years the successive editions have been edited by Ludwig Pastor, who is now editing in addition a series of monographs, *Erläuterungen und Ergänzungen zu Janssens Geschichte des deutschen Volkes*. Three volumes of these monographs have appeared since 1898 and correspond in the field of Roman Catholic scholarship to the long series of *Schriften des Vereins für Reformationsgeschichte*. The English translation of the earlier part of Janssen's work published by Herder in St. Louis unfortunately omits in great part the notes and references which form such a valuable adjunct in the German editions.

² *Der christliche Glaube des deutschen Volkes beim Schluss des Mittelalters dargestellt in deutschen Sprachdenkmalen, oder fünfzig Jahre der deutschen Sprache im Reformationszeitalter von 1470-1520*. (Regensburg, 1868.)

knows that one at least of these older books, *The German Theology*, was a great favorite of Luther's, but there are plenty more in Hasak's collection which breathe the same spirit of true piety and spiritual emulation.

Building upon the foundations of earlier contributions, like those of Hasak and other Catholic writers, who have been pretty much neglected by the Protestant historians, Janssen produced a monumental work in defense of the German Church before the Lutheran Revolt. Instead of the usual dark picture in which all that was worthy is carefully suppressed or ignored and only the vicious and deservedly unpopular features of the ecclesiastical régime are emphasized, Janssen exhibits the great achievements of the latter part of the fifteenth and the early part of the sixteenth century in art and literature, in the material prosperity of the towns and the spiritual life of the people. It may well be that his picture is too bright, and that in his obvious anxiety to prove the gratuitous character of the Lutheran innovations and the needlessness of an ecclesiastical revolution he has gone to the opposite extreme from the Protestants.

Yet this rehabilitation of pre-Reformation Germany cannot but make a strong appeal to the unbiased historical student, who naturally suspects that the same sort of misapprehension underlies our traditional description of the antecedents of the Protestant Revolt as underlies the old-fashioned accounts of the *ancien régime* in France. It was once commonly assumed that the French Revolution was due to conditions which were constantly growing worse, and hence more intolerable. The sources were exploited with this theory in mind. Any signs of ease, justice, or general contentment were overlooked or dismissed with a perfunctory allusion, while scandals of the court and the darker pages of Arthur Young were fondly cherished as furnishing the key to the great revulsion. It is now clear that the *ancien régime* has been treated with great unfairness. The good in the Revolution surely did not, in violation of the great law of historical continuity, come into existence all at once and without preparation. It should be the constant purpose of the historian who believes in this law to show that the Revolution, in the sense of a permanent reformation of the French government, was not the result of a frenzied rejection of what had gone before, but was the natural outcome of preceding conditions and convictions. In one sense the French Revolution, regarded as a permanent reform of earlier institutions, was practically completed by the end of 1789. It is the historian's business to show how, in view of the earlier development of public opinion, this seemingly abrupt metamorphosis of France was really gradual.

Now, in the same way we should approach and seek to explain the success of the Protestant Revolt. Outwardly it would seem to have begun when Luther finally made up his mind to burn the law and constitution of the church at the end of 1520 — an act comparable to the storming of Fort Sumter. But neither Luther's act nor the firing in Charleston Bay would have meant much had it not been for a long-elaborated public sentiment, which gave to each its historical significance. We should, therefore, to take a single instance, rejoice in the proof that Hasak and Janssen furnish of the continuity of spiritual life in Germany. The popularity of the earlier editions of the Bible is a far better explanation of the vogue of Luther's translation than the old mistaken assumption that Luther was practically the first to bring the Scriptures to the attention of the people. The constant appearance of little manuals of devotion and piety before Luther began to write his tracts serves better to explain the influence of Luther's words than the assertion that the German people were given over to mere superstition and ceremonial rites. To Janssen belongs the great credit of first illustrating the great good which must come of a careful and sympathetic study of the whole civilization of Germany in the fifteenth century.

Of the newer general accounts of the Lutheran Revolt, that of Bezold¹ is distinguished by its author's breadth of interest and fairness of attitude. It comes pretty near being a really satisfactory popular treatment of the subject. The entire absence of references to the authorities is, however, an unpardonable omission in the eyes of the more exacting student. One never takes up a volume of the really noble series edited by Professor Oncken, to which this belongs, without a feeling of astonishment that such distinguished scholars should have consented to devote years of labor to an enterprise deliberately planned so as to exclude all gratification of the scholar's legitimate desire to sanction his statements by appealing to the sources. The fifth volume of Creighton's monumental *History of the Papacy* gives a brilliant review of the period we are considering. The ninth volume of Hefele's *Conciliengeschichte* as continued by Cardinal Hergenröther² is on the contrary distinctly disappointing.

Maurenbrecher himself undertook to remedy some of the deficiencies in the current conceptions of the Reformation by a study of the conservative movements toward reform.³ The single volume

¹ *Geschichte der deutschen Reformation*, 1890.

² Freiburg im Br., 1890.

³ *Geschichte der katholischen Reformation*, Erster Band (Nördlingen, 1880).

which he brought to completion must be reckoned among the most important of the secondary sources for the time. In spite of its incompleteness, it emphasizes a movement almost consistently neglected by Protestant writers. It is to be hoped that some scholar of Maurenbrecher's amiable temperament will undertake the task which he scarcely more than planned.

Luther himself can now be studied far more conveniently than was possible a generation ago. The handsome Weimar edition of his works, already well under way, has not only the advantage of critical editing but, owing to its strictly chronological arrangement, it meets the needs of the historical student as none of the older editions do.

In Ender's new edition of Luther's *Letters*¹ those sources are brought together that enable us to penetrate most deeply into the man's conflicting emotions. In the *Letters* we can trace Luther's halting development, surprise all his inconsistencies of mood, and convince ourselves of his fundamental consistency of religious feeling. From the *Letters* we can readily convince ourselves of his multiform greatness, of his bravery and his heroic pertinacity. At the same time we see clearly how constantly he gave offense even to the less ardent adherents of his cause, to say nothing of those who were sincerely in doubt as to the righteousness of his attack.

Among the biographies of Luther published during the last twenty-five years that of Köstlin² holds a deservedly high place. He views his hero mainly in the light of a theologian and religious reformer, but treats him as objectively as one who is a devout Lutheran well can. In Kolde's shorter life³ there are valuable hints, the outcome of his special researches in this field. His object is to "sketch Luther against the background of the general development of his nation." In an earlier work⁴ Kolde casts much light upon the influences, especially that of Staupitz, which promoted Luther's earliest discontent with the existing ecclesiastical system. English readers have now in Beard's *Martin Luther*⁵ a successful account of the reformer's early life and a more adequate account of the conditions in Germany at the opening of the sixteenth century than has hitherto been at their disposal.

¹ *Dr. Martin Luther's Briefwechsel, bearbeitet und mit Erläuterungen versehen* (Frankfurt am M., 1884). Uniform with the Frankfurt-Erlangen edition of Luther's works.

² *Martin Luther, sein Leben und seine Schriften*. (3d ed., 1883.) An abridgment of this work in one volume has been translated into English.

³ *Martin Luther, eine Biographie*.

⁴ *Die deutsche Augustiner-Congregation und Johann von Staupitz*. 1877.

⁵ The author unfortunately did not live to complete his work, which breaks off at the close of the Diet of Worms.

The most recent and in several respects the most novel of the lives of Luther is that of Arnold Berger,¹ whose chosen field of work is literature, not history or theology. He regards the Protestant Revolt as "a gigantic struggle against the culture of the preceding thousand years." He would bring Luther's work into its relation with the *Laienkultur*, for this he believes to be the decisive but consistently neglected element in the general situation.

Berger prefaces his biography with a little volume called *The Culture Problems of the Reformation*,² in which he sketches the dominant ideas of the Middle Ages, dealing especially with the historical significance of the three great words, church, asceticism, and Augustinism. The advantage of such an introduction is obvious, for even if it adds nothing to the knowledge which is scattered about in a number of standard works, it presents better than any book with which I am familiar the elements that reveal the terrific meaning of the struggle in which Luther and his followers engaged. Berger recognizes more fully than most Protestant writers the all-comprehending influence of the church, which, as has been said, is too often represented as simply a religious organization. Berger's work is, however, but a suggestion of the great prolegomenon which must some time be written if we are ever to understand the Lutheran Revolt. We really know far too little as yet of the actual workings of the church before the Protestant schism. Even the ways in which it performed its religious functions are only recently becoming tolerably clear. We are really only just beginning to suspect the implications of that tremendous term—the *Medieval Church*, and so long as that term is not comprehended in all its bearings, no one can do more than guess at the real issues of the supreme conflict which led to the permanent disruption of the great international ecclesiastical state which the Roman Empire bequeathed to the Middle Ages.

Besides the Lutheran literature in the narrower sense of the word, we have an ever-increasing number of the biographies and letters of Luther's contemporaries; for instance, Reuchlin, Hutten, Erasmus, Butzer, Scheurl, Pirkheimer, Cochläus, Link; and we know far more of the Humanists than we once could. We are blessed with two editions of Mutian's letters,³ but it is a pity that we should still be without a modern and critical edition of those of Erasmus.

¹ *Martin Luther in Kulturgeschichtliche Darstellung*. Erster Teil (1483-1525), Berlin, 1895. Zweiter Teil, erste Lieferung (1525-1532), 1898.

² *Die Kulturaufgaben der Reformation, Einleitung in eine Lutherbiographie*. Berlin, 1895.

³ One edited by Krause (Kassel, 1885) and a second by Gillert (Halle, 1890).

Special questions have been the subject of monographic treatment in innumerable doctor's theses, dissertations, and in the learned journals and local historical reviews. Tetzels and indulgences have alone called forth a shelf-full of books. Mr. Henry C. Lea has reconsidered this matter and incorporated the Tetzel incident in a most elaborate and exhaustive consideration of the whole matter of confession and indulgences.¹

In quite another phase of the subject, namely, the agrarian and industrial discontent and agitation, a needed revision of the older ideas is being undertaken by the Socialistic German writers. Assuredly one can hardly grudge poor Münzer and the Anabaptists a good word, for tradition has painted no one in blacker colors. The impartial student may well have guessed that they have hardly been given their due, even before he opens Kautsky's *Forerunners of Modern Socialism*.²

In conclusion, it is clear that a great deal has been done during the past thirty years to remedy those deficiencies of earlier writers which Maurenbrecher pointed out. Our conception of the Protestant movement has been broadened and corrected; there is no longer any excuse for failing to realize the complex character of the revolution or to form a tolerably just estimate of those who aided it and those who opposed it, as well as for largest class of all — those who looked on and refused to take sides.³

JAMES HARVEY ROBINSON.

¹ *A History of Auricular Confession and Indulgences in the Latin Church*. 3 vols., Phila., 1896.

² *Die Vorläufer des Neuere Socialismus*. Stuttgart, 1895.

³ After completing this paper I came with pleasure upon this passage: "There has been a natural tendency to regard the Reformation as solely a religious movement; but this is an error. In the curious theocracy which dominated the Middle Ages, secular and spiritual interests became so inextricably intermingled that it is impossible wholly to disentangle them; but the motives, both remote and proximate, which led to the Lutheran revolt were largely secular rather than spiritual." Henry C. Lea in *The Cambridge Modern History*, I. p. 653.

GENEVA BEFORE CALVIN (1537-1538). THE ANTECEDENTS OF A PURITAN STATE

AN examination of the conditions in Geneva before Calvin's arrival in August, 1538, is a logical introduction to a comparative study of the ideals, the development and the practices of the Puritan state in Geneva, and in New and old England.

The problems which present themselves to the investigator of any phase of Puritanism can be satisfactorily answered only after patient investigation of the development of each of these three Puritan states, and careful discrimination between conditions in different states and at different periods. The far-reaching questions involved in the study of the rise of modern democracy, the results of the Protestant Revolt, and the causes of the French Revolution demand the same careful comparative treatment. Is there any tangible, historically demonstrable, relation between the two revolts? What contribution was made by the Puritan state, on the one hand, to the development of liberty, self-government, democracy, equality, right of revolution, spirit of free inquiry, higher moral and social sense; and, on the other hand, to the development of inquisitorial government, intolerance, aristocracy, hypocrisy, individualism, barren intellectuality? In the Puritan commonwealths of the sixteenth and seventeenth centuries, what were the respective functions and relative powers of State and Church, and the theoretical and the actual basis of membership in each? What was the Puritan attempt at solving the perennial problems of national expansion and treatment of subject classes or peoples, federation and rights of local self-government? What were the distinguishing characteristics, and the measure of success and failure in each Puritan state? Is there any fundamental unity of aim and method in the Puritan commonwealths that distinguishes them from other states? What enduring contributions for good and ill did the Puritan state make? These are some of the problems that arise and demand historical and comparative treatment in order to be answered.

To such a comparative study, this investigation of the history of Geneva before it came under Calvin's influence is a necessary preliminary. Geneva was at once independent, Protestant and republican. No other state possessing these characteristics has both so

early an origin and so wide an influence. The city is small enough to make possible a clear picture of the beginnings and organization of a Protestant republic; and on most points there is ample contemporary evidence. Yet Genevan history, and especially the period before Calvin, has never in English been treated with accuracy and fullness.¹

Geneva, with its mass of contemporary documents in manuscript and print, presents the material for a fascinating study of the genesis of a state, a bit of historical investigation with all the charm of biology. There are almost daily records of the legislative, judicial and executive acts of the civil authority, weekly records of church discipline, and memoranda of pastors' meetings.² The actors in the struggle, the picturesque Bonivard,³ "Prisoner of Chillon," the tolerant Syndic Balard,⁴ the hot-blooded reformer Fromment,⁵ the Calvinistic secretary of the council Roset,⁶ the graphic nun in

¹ No modern and scholarly history of Geneva, even in the time of Calvin, exists in English. The histories of Spon (trans. 1687) and of Lemerrier ("Boston, New England, 1732") are quite out of date. Henry's *Life of Calvin*, still the most scholarly available in English (translation from the German), was finished in 1844, before the publication of the important documents and secondary works named below, and is distinctly favorable to Calvin and inadequate regarding Genevan institutions. The accounts in Baird's *Beza* and in Schaff's *History of the Christian Church* are modern, but from their nature give but little on the history of Geneva. The influence and importance of Geneva have been in English more eulogized than traced.

² At the *Archives d'État* in the Hôtel de Ville, especially useful are: the invaluable *Registres du Conseil* from 1409, containing records of meetings of all four councils, including discussions, votes, elections, laws, trials; the 5,319 *Procès Criminels et Informations* (indexed), A. D. 1396-1700; the *Pièces Historiques*, A. D. 934-1813, containing 5714 indexed numbers (*pièces* or *dossiers*), acts, diplomatic documents, etc. The almost illegible *Registres du Consistoire*, beginning Feb. 16, 1542, are at the *Consistoire* of Geneva; the carelessly kept memoranda of the *Compagnie des Pasteurs et Professeurs*, with many *lacunae*, from 1546, at the same building. (See H. V. Aubert's article in *Bulletin de Soc. d'Hist. et d'Archéol. de Genève*, II. 3, p. 138, ff. (1900).) The first four volumes of the *Registres du Conseil* (1409-1461) have been published by E. Rivoire (Geneva, Kündig, 1900). Extracts, with some documents in full, are printed in Turretini and Grivel, *Les Archives de Genève, Inventaire des Documents Contenus dans les Portefeuilles Historiques et les Registres des Conseils*, 1528-1541, Geneva, 1877. A considerable number of extracts from the *Registres* are to be found in: Grenus, *Fragments Biog. et Hist. sur Genève* (1815); the appendix (219 pp.) of Revilliod's ed. of Fromment; Cornelius, *Hist. Arbeiten*; Rilliet et Dufour, *Le Prem. Cat. Franç. de Calvin*, 1537 (1878); Herminjard, *Corr. d. Ref.*; and the valuable "Annales" (*Calv. Opera*, XXI.); the last four with modern accuracy. Full titles below.

³ F. Bonivard, *Chroniques de Genève* (to 1531), (Ed. Revilliod, 1867); also his *Advis et Devis de l'Ancienne et Nouvelle Police de Genève* (1560), (1847). The place of publication is Geneva unless otherwise indicated.

⁴ J. Balard (Le Syndic), *Journal ou Relation des Événements qui se sont passés à Genève de 1525 à 1531*. (*Mem. et Doc. de Soc. d'Hist.*, X. [ed. Chaponnière], 1854.)

⁵ A. Fromment, *Les Actes et Gestes Merveilleux de la Cité de Genève*, etc. (1532-1536 [ed. Revilliod], 1854.)

⁶ Michel Roset, *Les Chroniques de Genève*. (Ed. Henry Fazy, 1894.)

exile Jeanne de Jussie,¹ with their varied points of view, describe with dramatic power the scenes they witnessed. The reformers in their almost daily correspondence give a more personal record of motives as well as acts.²

The following preliminary sketch may serve to outline with some historical perspective two things :

1. The development of Genevan political independence (1387–1536) and religious reform (1532–1536).
2. The resulting institutions and character before Calvin's arrival in August, 1536.

After the varied fortunes of an ancient Roman and a medieval imperial city, Geneva, at the close of the thirteenth century, was under the threefold government of bishop, *vidomne*, and commune. The bishops, in times of shifting political power, had, by feudal concessions, become the lords (*dominus*) of the city under the emperor as suzerain. The *vidomne* was the bishop's deputy (*vicedominus*) for the execution of temporal justice. At the close of the thirteenth century, the house of Savoy after long conflict had won the feudal office of *vidomne*, which it held of the bishop nearly two centuries and a half (1290–1525). Lastly, the commune, the body of citizens, elected its syndics possessing limited administrative powers.

¹ Jeanne de Jussie, *Le Levain du Calvinisme, ou Commencement de l'Hérésie de Genève*. (Chambéry, about 1640. With notes by Grivel and Th. Dufour, 1865.)

² Two invaluable pieces of patient scholarship: Baum, Cunitz, and Reuss, *Calvini Opera*, 59 quarto vols. (Braunschweig, 1863–1900.) Vol. XXI., under head of "Annales," contains extracts from Registers of Council and Consistory and other documents; Herminjard, *Correspondance des Reformateurs dans les Pays Français*. (9 vols., 1886–1897.) Many extracts from documents in notes.

Some of the most valuable secondary authorities, based on documents, are: A. Roget, *Les Suisses et Genève ou l'Emancipation de la Communauté Genevoise au 16^e Siècle* (2 vols. in 1, 1864); *Histoire du Peuple de Genève depuis la Réforme jusqu'à l'Escalade* (7 vols., 1870–1883). Extends only to 1568.

J. A. Gautier (Sec. d'État, 1684–1695, 1698–1700), *Histoire de Genève des Origines à l'Année 1691*. (5 vols., 1896 to 1902; now appearing under auspices of Soc. d'Hist. de Genève, with scholarly notes.)

Chas. Borgeaud, *Histoire de l'Université de Genève*, I, l'Académie de Calvin, 1559–1798. (1900.)

E. Choisy, *La Théocratie à Genève au Temps de Calvin*. (1897.) *L'État Chrétien Calviniste à Genève au Temps de Theodore de Bèze*. (1902.)

C. A. Cornelius, *Historische Arbeiten vornehmlich zur Reformationszeit* (Part IV., *Zur Geschichte Calvins, 1536–1548*, pp. 105–557). (Leipzig, 1899.)

F. W. Kampschulte, *Johann Calvin seine Kirche und sein Staat in Genf*. (Leipzig, 1869, Vol. 1; Vol. 2, ed. by W. Goetz, 1899, after author's death.)

Memoires et Documents de la Société d'Histoire et d'Archéologie de Genève (27 vols., 1840–1901), and the *Bulletins* of the same Society (1891 and after) are of very great value.

Some of the *Bulletins de l'Institut National Genevois* contain studies of documents.

Both Gaberel (*Histoire de l'Église de Genève*) and the two Galiffes (*Materiaux*, etc., *Nouvelles Pages*, etc.) are unfortunately disfigured by partizanship, Gaberel by inaccuracy.

The commune had sufficiently developed its rights and power by 1387, to win from the prince-bishop the "*franchises*," the Magna Charta of Geneva, which gave the dignity of law and written constitution to the existing customs.¹ These *franchises* confirmed the right of the citizens to elect four syndics and four other citizens, who together should have entire cognizance of criminal trials of laymen, unless the bishop evoked the cause or pardoned the offense. The four syndics also possessed police powers of the city by night, with watchmen to enforce their orders; investigated and prosecuted violation of the *franchises*, and received the oaths of the bishop and his officers to respect this charter. The bishop as prince had the rights of appeal, pardon, and coining money. His feudal deputy, the *vidomne*, exercised the temporal functions of guarding and executing prisoners and of presiding over an inferior civil court.²

The communal records of the next century and a half (1387-1536) show marked skill in municipal housekeeping and in defense and extension of rights of self-government. Besides the primary assembly of all citizens (*consilium generale*), which elected syndics and acted upon treaties, three indirectly representative councils were developed: the little council (*consilium ordinarium*, or *petit conseil*), the administrative body; the council of sixty, for diplomatic affairs; and the council of two hundred established in 1527 on the model of that of the new allies, Freiburg and Bern, and gradually replacing the sixty.³ There is a strong spirit of independence toward the aggressive Duke of Savoy and even the bishop. But the records also reveal an interesting tendency to concentrate power in

¹ The Latin text of the *franchises* ("*Libertates, franchisie, immunitates, usus et consuetudines*") is printed in parallel columns with the instructive French translation of 1455, with a valuable introduction by E. Mallet, in *Mem. et Doc. de Soc. d'Hist. et d'Arch. de Genève*, II. 271-399. For a brief résumé, see his "Coup d'Oeil Historique et Descriptif sur le Canton de Genève" (B. C. 58-A. D. 1847) in Vol. II. of *La Suisse Historique et Pittoresque* (1855-1856; also separately 1856).

² Articles 1, 8, 11-14, 22, 23, 68.—Bonivard gives a graphic account of *vidomne's* origin and methods, and of the "everlasting" process of appeals to bishop, metropolitan (Vienne) and pope, in his *De l'Ancienne et Nouvelle Police de Genève* (1560), pp. 3, 8, 22 (ed. 1847). The *franchises* are remarkably liberal and progressive. Interest taking was recognized and protected in four of these articles granted by a bishop of the Roman Church nearly a century and a half before Calvin wrote his luminous defense of interest taking; art. 34, 35, 39, 77. Calvin's "De usuris" is in *Calvini Opera*, X. Part I., 245-249.

³ Rivoire, *Registres du Conseil de Genève*, I. The *consilium generale* and *consilium ordinarium* appear in the earliest extant records; viz., 1409, pp. 2-6. The *consilium ordinarium* consisted at first of sixteen, later of twenty-five, and included the four new and the four old syndics, the treasurer, and eight (later sixteen) councillors. *Ibid.*, 28, 49, etc. The council of fifty (numbered later sixty) was established 1457. *Ibid.*, 167. For council 200, see Gautier, *Hist. d. Genève*, II. 240; Bonivard, *Chron. d. Gen.*, I. IV. C. 10. For fuller statement of functions of councils see writer's review of Rivoire, *Registres du Conseil*, AM. HIST. REV., April, 1902, p. 547.

the hands of a smaller number of citizens, a sort of open administrative aristocracy of experience. This tendency was recognized at the time, and occasionally thwarted by the primary assembly's assertion of its rights. The council of sixty (or fifty), and later that of two hundred replace the general assembly in delicate matters.¹ In the choice of the councils there is also the same tendency to a less direct election and a more complex coöptation. For example, the election of the council of fifty is transferred from the primary assembly to the little council in 1459;² the little council, originally chosen by the popularly elected syndics is, from 1530, elected by the two hundred, and the two hundred by the little council.³ Aristocratic tendencies in Geneva appear not with Calvin, but during the three generations preceding his arrival.

The first step in the emancipation of Geneva was the struggle against Savoy. This ambitious house, already possessing the office of *vidomne*, and intriguing throughout the fifteenth century to dominate both bishop and commune, excited the latter's bitter hostility in 1519 by the execution of Berthelier, who thus became the early martyr for Genevan liberty. After an apparent triumph in 1525, the Duke of Savoy left the city. In spite of persistent attack and intrigue neither he nor any member of his house was to enter Geneva again. Against Savoy, Geneva appealed to the Swiss, and in 1526 concluded to close political and military alliance with Freiburg and Bern.⁴

In 1528, the council refused to accept the *vidomne* nominated by the duke, instead of by the bishop as prescribed by the *franchises*.⁵ In the absence of any *vidomne*, the council of two hundred assumed

¹ For fifty see Rivoire, *Registres du Conseil*, I. 178, 181-187, 217-218, 288; for two hundred, see acts, cited later, and Mallet, in *La Suisse Hist. et Pittoresque*, 552.

² Rivoire, *Registres du Conseil*, I. 288. After failing in 1458, the two smaller councils succeed in 1460 in nominating syndics for election by primary assembly. See *ibid.*, 258-259, 262-263, 386, 390.

³ H. Fazy, *Constitutions de Genève*, 37-38. Bonivard, *De l'Anc. et Nouv. Police*, 19-22 (1847). For example of election of council by syndics, see Rivoire, *Registres du Conseil*, I. 49, 108, 265-266. For primary assembly's assertion of rights in 1458-1460, see Rivoire, *ibid.*, 258-259, 263 (elections); 303 (meetings and right of complaint); 395-396, 463-465, 468 (taxes). For acts of 1518, 1534, see p. 237, note 2.

⁴ This *combourgeoisie* (following that with Freiburg in 1519), renewed with Bern 1558, and 1584 (with Zürich added), was the preliminary to the entrance into the Swiss Confederation, 1814. The Genevan party of independence in 1526 were named *Eidgenotes* in imitation of their Swiss confederates (*Eidgenossen*). (Treaty in Archives, *Pièces Hist.*, No. 964; reprinted in Gautier's ed., Spon (1730), "Preuves.")

⁵ The decision was taken successively according to Genevan custom in important matters, by the syndics (May 24), the fifty and the two hundred (June 9), and the primary assembly (*consilium generale*) (June 14, 1528). See Roget, *Suisses et Genève*, I. 298-299, 301; and Balard, *Journal*, 167-169.

the authority for the execution of a criminal in 1528;¹ and in the following year the primary assembly (*consilium generale*) replaced the *vidomne* by a *lieutenant de justice* and four *auditeurs*.²

There remained the power of the vacillating and absent prince-bishop, who, in 1528, had gone over from the side of the commune to that of the Duke of Savoy. After an absence of six years, the bishop was persuaded to return, but after less than two weeks' residence, and in spite of the earnest request of the syndics to aid them in quieting the violent disturbances between Catholics and "Lutherans," he took a hurried departure from the city the night of July 14, 1533, never to return. A month later the syndics denied the right of the bishop to appeal from their decision in criminal cases, saying "we have no superiors." Before the end of the following year, the primary assembly and the two hundred concurred in denying the bishop's right of pardon; the little council declared at the close of a theological dispute that "the sole power was the word of Christ and the sword which he has committed to the powers"; and the syndics and council voted, Oct. 1, 1534, that the episcopal see must be considered vacant.³

From the end of July, 1534, Geneva was fighting to maintain, against the attacks of both duke and bishop, its declarations of independence. The task called for great sacrifice and energy. Bells were melted for cannon, and the suburbs (*faubourgs*) which enabled the enemy to approach were destroyed, in spite of repeated objections of property owners.⁴ Men, if we may believe Fromment, went to church and worked on the fortifications with arms in their hands.⁵ The duke prohibited all sales to Genevans, and the bishop any communication with them.⁶ The Genevans displayed as keen mettle in war as they had in politics, and with the aid of Bern once more showed themselves too strong, too capable of self-sacrifice, for duke and bishop.

¹ Roget, I. 303; Balard, *Journal*, 173.

² 14th Nov., 1529. Roget, I. 341-342.

³ Aug. 8-12, 1533; Feb. 8, July 24, Oct. 1, 1534. Roget, *Suisse et Genève*, II. 76; Gautier, *Hist. d. Gen.*, II. 407; Roget, II. 103, 110, 125.

⁴ The four *faubourgs* were: de Rive, St. Victor, St. Leger, the Corratierie. (E. Mallet, *Rech. sur Pop. de Gen.*, p. 8.) Aug. 23, 1534, two hundred sanctioned order of little council; Roget, *Ibid.*, II. 118 ff. Oct. 25, 1535, indemnity for loss voted. Feb. 28, 1536 (*Registres du Conseil*, Vol. XXIX., fol. 33), the two hundred repeated order and gave permission to anyone to carry off any property (*biens*) to be found. Delayed cases were recorded in Feb., 1537. This destruction of property, and the loss of trade through the duke's prohibition entailed much poverty and suffering in Geneva.

⁵ *Actes et Gestes Merveilleux*, Ch. 44.

⁶ Talking or trading with, or serving, favoring or visiting city under pain of excommunication and 25 *livres*: June 13, 1535, Roget, *S. et G.*, II. 146. This episcopal excommunication preceded by two months the prohibition of the mass by Geneva.

Up to 1533, the struggle had been political, against the duke and bishop as temporal rulers hostile to Genevan chartered rights. But there was another ground for objecting to the régime of the ecclesiastical prince. "There were," says a recent Catholic writer on Geneva, "real and evident abuses to be noted among the Catholics and even among the higher clergy . . . and above all among the monks."¹

But the records plainly show that it was to her ally and protector Bern that Geneva owed not only the preaching, but the final adoption of the Reformation. Bern, which had adopted the reform in 1528, naturally sought to increase her influence with her ally by introducing it into Geneva. In 1532 the desire for reform already existing there was stimulated by the impetuous preaching of Farel and Fromment, the former armed with a letter from Bern. This move was promptly met by complaints by Geneva's other Swiss but Catholic ally, Freiburg, and by the papal nuncio.² For more than three years the skilful councils tried to pursue a middle course between the demands of the two allies, and between the two extreme parties within the city. It is one more instructive picture of the impossibility of that generation's remaining neutral. The mettlesome city that had overthrown the power of the Duke of Savoy might engage to remain loyal to the Catholic faith,³ might forbid preaching unauthorized by the vicar, or "any innovations," and expel preachers; might even vote that "in this matter ('the holy sacraments of the church') each one shall be left in liberty according to his conscience,"⁴ but when Geneva had seen her prince-bishop

¹ *Mem. et Doc. pub. by l'Académie Salésienne*, Tome XIV. (Annecy, 1891, "Permis d'imprimer, 8 Oct. 1890, ✕ Louis, Evêque d'Annecy."), pp. 175-176. On this point, there is substantial agreement between Catholic and Protestant historians; compare the nun, Jeanne de Jussie, *Le Levain de Calvinisme, etc.*, and Kampschulte (*Calvin, etc.*, I. 90-91, 169-170) with the accounts in Bonivard, *Chron.*, I. 90, and the extracts from records in appendix to Revilliod's edition of Fromment, *Actes et Gestes, etc.*, esp. pp. ci-cv.

² Herminjard, *Correspondance des Reformateurs, etc.*, II. 421-426; June 24 and July 8, 1532.

³ *Ibid.*, II. 382. Letter and embassy of Geneva to Freiburg July 6, 1532. They disclaim any intention to go over to "Luthererie" or the "*novam legem*." It is curious to find the term "Calvinism" applied to Geneva before Calvin's arrival or the publication of his *Institutes*, by an ardent contemporary Catholic born in Geneva, Andrea Cordoino, "*Relazione di Genevra—particolarmente dall'anno 1535 che ni fù introdotto il Calvinismo*" (1624); Archives of Turin (Geneva, Paquet, 14°, No. 7). Lutheran is the contemporary term of Jeanne de Jussie and of Catholics in Geneva and Freiburg.

⁴ The series of votes is significant. June 30, 1532, the council voted: "Regarding him who preaches the gospel, ordered that for the present the master of the schools (*magister scholarum*) cease reading the gospels and that the vicar (*dominus vicarius*) be requested to order that in all the parishes and convents they preach the gospel and epistle (*epistolam*) of God according to truth, without mingling with it any fables or other human inventions; and that we live in harmony as our fathers have done without any in-

abandon his post, excommunicate her citizens and send soldiers against them, she naturally denied his spiritual as well as his temporal authority.¹ When the choice was forced upon her by her two opposing allies and by the parties fighting within the city, Geneva declared against bishop and papal abuses and in favor of Bern and the "Word of God," two authorities which could be appealed to against both ecclesiastical domination and corruption.²

ventions." Herminjard, *Corr. de Ref.*, II. 425, n. 2. Jan. 2, 1533, after Fromment's attack on Catholicism and declaration that he "would obey God rather than man," the council of two hundred voted: that no one should preach in public or private without the permissions of the syndics and vicar, the syndics to arrest if the vicar neglects his duty. They also voted "because many demanded the word of God" that a preacher who was a Catholic but held evangelical views should preach until Lent. (Roget, *S. et G.*, II. 36; Kampschulte, *Calvin*, I. 122-123.) Mar. 30, 1533 (after letters from Bern urging protection of gospel, Mar. 25, and a street fight between Catholics and Lutherans, Mar. 28), the council of two hundred proclaimed a truce on following conditions: (1) general amnesty; (2) "live in good peace and union with observation of the commandments of God, and as we have lived in the past, without introducing innovations in word or deed, until it be generally ordered to live otherwise"; (3) "no one shall be so presumptuous or hardy as to speak against the holy sacraments of the church but in this matter each one shall be left in his liberty according to his conscience without reproaching one another, be he ecclesiastic or laic, whatever the subject be"; (4) preaching only by license of the "Superior and Messieurs the Syndics and Council"—and the preacher shall say nothing which is not proved by "the Holy Scripture"; (5) no one to eat meat Friday or Saturday or do anything to "scandalize"; (6) no partizan songs touching faith and law; (7) oath to obey regulations under penalty of fine, with added imprisonment and banishment for repeated offenses; (8) no renewal of quarrels; (9) wives and children were to be notified and hostages were exchanged.—*Registres du Conseil*, Vol. XXVI., fol. 52 (it is in French though *Registres* were in Latin then). Quoted in Roget, *S. et G.*, II. 62-63, and in extracts in appendix to Revilliod's ed. Fromment, *Acts et Gestes*, pp. xxi-xxii. But a month later (May 4) in an armed conflict, a syndic was wounded and a canon (Werly) killed (Kampschulte, I. 130-134).

¹ See above, p. 222 and note 3.

² The following summary will suggest the way in which Geneva was forced to take sides with the strongest: Freiburg threatened rupture of the treaty of 1526 if Geneva abandoned old faith and law; to this Claude Salomon (and others) replied Jan. 8, 1534, "he would live according to the Gospel and the Word of God and not the will of man" ("*ad votum evangelicum et juxta verbum dominicum non ad dictum hominum*"), *Registres du Conseil*, Vol. XXVI., fol. 182^{vo}. (Salomon was important enough to be appointed the first hospitaller, Nov. 14, 1535; Roget, II. 191.) After Geneva's denial of bishop's right of pardon (Aug., 1533, and Feb. and Mar., 1534), and Farel's seizure of a church and preaching therein the "new law," Mar. 1, 1534, Freiburg broke the alliance May 15, 1534. Bern had sent Farel with letters Oct., 1532; sent ambassadors with him Dec. 1533, and then, and in Feb., 1534, demanded permission for gospel to be preached and complained of insults to herself and her religion by Catholics. Bern met Freiburg's threat of breaking alliance with a similar threat, supported by the powerful argument of a demand for 9,900 *écus*, due for war expenses in defense of Geneva. Under pressure of Bern, council declared (22 Feb., 1534) it could neither grant pulpit nor hinder, "so let them do as they find best." (Roget, II. 99.) Farel preached publicly in seized church Mar. 1, and baptized and married in Apr., 1534. (See Jeanne de Jussie, p. 90.) Images were broken May 23, and thereafter, and the council declared such images should be destroyed according to the law of God, although it punished the unauthorized act of private persons (26th July). The little council declared "The sole power was the Word

The decision forced upon the councils by the riotous image-breaking, in August, 1535, was negative rather than positive, a cautious temporary abolition of the mass without "innovations" or adoption of the reformed faith or worship, but with striking deference to the wishes of Bern. After an appeal by Farel formally to abolish the papal system, the "grand council" of two hundred by a majority vote, and after long discussion, decided: (1) that the priests be called to see if they could justify the use of images and mass; (2) that the destruction of images cease and those pulled down be restored; (3) "in the interim . . . mass should not be celebrated until further notice;" (4) "and that the foregoing be written to the Lords of Bern that upon their response we may proceed more safely."¹ The monks when summoned to justify images and mass said "they were simple men who had lived according to tradition and had never investigated such questions"; and the secular clergy, in accordance with the bishop's prohibition, refused all discussion.² The next day, in the little council, "discussion was held as to finding means to set affairs in good order, especially in the matter of the mass, which many ask to have permitted. Whereupon many say that for the present it is better to postpone the matter a little, than to make haste regarding the said mass, since it would be far better to await the will of the Lords of Bern who understand the

of Christ and the sword which he has committed to the powers" (July 24). The bishop waged open war on Geneva (July 30, Roget, II. 155; Kampschulte, I. 154); the council voted, Oct. 1, 1534, the episcopal see must be considered vacant. 1535 a dispute was held by order of the council between the Reformers and two priests, who went over to Protestantism (June). The bishop forbade any communication with Geneva (June); Farel seized church of Madeleine July 23d; and July 30th he replied to council that he "must obey God rather than man," and asked for a session of council of sixty or two hundred. The council refused council and replied to "said Farel and his associates that they should henceforth content themselves with preaching in the Convent de Rive and church of St. Germain, on account of certain good and respectable persons who urge this upon us" ("propter certos bonos Respectabiles nos ad hec monentes"). *Registres du Conseil*, Vol. XXVIII., fol. 98, 30 July. 1535. This is an evidence of the presence and characteristic influence of the conservative element in Geneva. Haller in a letter to Bucer. Sept. 22, 1534, had estimated that two-thirds of Geneva were favorable to pontiff and duke. (Herminjard, *Corr. de Ref.*, III. 209.) Malbuisson was beheaded for making common cause with enemies of city, and a servant executed on charge of attempted poisoning of the reformer Viret (July). Aug. 8, Farel seized and preached in St. Peter's, riotous scenes of image-breaking followed next day, and Aug. 10 council of two hundred temporarily suspended the mass. (*Registres du Conseil*, Vol. XXVIII., fol. 104). For other points in this note without specific references, see the impartial annals (based on the *Registres du Conseil*) in Roget, *Suisses et Genève*, II. 27, 76, 81 ff., 103, 107-110, 125, 154, 160; also Gautier, *Hist. Gen.*, II. 407, 412. The citations of Roget have been constantly verified and, save for dates, found almost invariably trustworthy.

¹ *Registres du Conseil*, Vol. XXVIII., fol. 104, 10th Aug., 1535. *Interim vero ulterius non dirruatur nec celebratur missa donec cognitio et quod scribantur dominis bernatis praemissa ut super eorum Responcionem nos tutius conducere valeamus.*

² *Registres du Conseil*, 12 Aug., 1535, quoted in Kampschulte, I. 167-168.

matter more fully. Wherefore it was decided that for the present it be given up for a little, and that measures be taken to assemble the *consilium ordinarium*, and mature advice be taken in the matter, where it seems better for the present to suspend the saying of the mass than to say mass, whence scandal might arise. To Peter Lullin, who requested that it might be permitted to say mass, as heretofore in this city mass was said, because there are many who wish to have the mass, the council gave a similar temporizing reply, Sept. 2: "As to this, it was decided that news be awaited from the Lords of Bern that it may be seen in what way it is better to proceed."²

The acts and the manner of procedure of the magistrates and councils from August, 1533, to August, 1535, in denying the authority of the bishop and avoiding the Scylla and Charybdis of both mass and image-breaking, are clearly the expression of a political policy, and not of a profound religious conviction. It is the policy of independence, of safeguarding of rights. The council gradually yielded to the strongest and most logical combination against bishop and duke,—Bern and the determined and aggressive party of reform and independence. The Puritan spirit of unflinching enforcement of the word of God was quite absent from the state, which was not yet even formally Protestant in 1535. But though the state, acting through its semi-representative councils, was concerned rather with self-preservation and public order than with religious reform, there was a considerable party with vigorous leaders like Farel and Porral, who had convictions and intended to accept no half-way measures.³

The Vicar-General and the few remaining canons, and the Sisters of St. Clara and many of the monks and parish clergy recognized that the papal system was doomed and left the city soon after the mass was abolished.⁴

¹ *Cum forte melius sit expectare voluntatem dominorum Bernatium qui sanius Rem intelligunt. Registres du Conseil*, Vol. XXVIII., fol. 108^{vo}, Friday, Aug. 13, 1535. Only 12 names out of the full number of 25 are recorded as present.

² *Registres du Conseil*, Vol. XXIX., fol. 120.

³ Evidence of this is naturally found rather in the correspondence of the reformers than in the acts of the council; but it is also shown by the successes of Farel in the successive seizures of churches and triumph over the orders of the little council and in the image breaking. But Protestants were probably still in the minority in August, 1535.

⁴ The nun Jeanne de Jussie's account (*Le Levain de Calvinisme*) of the departure of the sisters (Aug. 29, 1535) is written clearly and vigorously, and throws much light on the condition of affairs, frankly admitting abuses in the church. Many of the canons had withdrawn before. On the condition, especially of the cathedral clergy, see articles on history of the chapter by a member of the present Catholic chapter at Annecy in *Mem. et Doc. pub. p. l'Acad. Salésienne*, XIV. See above, p. 223, note 1.

The two councils at once assumed the lapsed civil functions of the bishop and chapter. The council of two hundred, the same day that it suspended the mass, took action to retain possession of ecclesiastical property, which it feared the clergy might take away.¹ The two hundred established a hospital endowed with the property of churches and monasteries, and the primary assembly approved the administrative measures taken by the little council, elected a hospitaller, prohibited begging, and ordered special watchmen to compel beggars to go to the hospital.² The consolidation of the two prisons was ordered; and the two councils assumed the episcopal privilege of coining money, establishing a mint, appointing its officers and criticizing the money struck.³

In 1536, the councils undertook wider functions, the civil and religious reorganization of territory lying outside the city and formerly subject to the ecclesiastical or ducal authorities. The *mandements* of Thiez and Gaillard offered fidelity to Geneva, if no changes were made in the customs or the church (Feb. 11). The introduction of the reformation into the outlying and newly subject villages was taken in hand by the council under pressure from Farel. The council provided preachers and church bells, and ordered proclamations like those in the city, concerning obedience, adultery and blasphemy.⁴ The *procureurs* and priests of the rural communities were exhorted by Farel, and given by the council a month to read the gospels and decide whether the evangelical doctrine of Geneva was the true doctrine. The *procureurs* were commanded to order all parishioners to go to sermon, and the mass was forbidden by the council.⁵ The council even went so far in its assumption of ecclesiastical powers as to reassure excommunicated parishioners that it held them absolved.⁶ The organization of justice was provided for

¹ *Registres du Conseil*, Vol. XXVIII., fol. 104, Aug. 10, 1535. To make an inventory of "Jura et Jocalia" and "omnia bona ecclesiarum" two syndics were appointed for St. Peter's, and the little council was directed to appoint men for the other churches.

² *Registres du Conseil*, Vol. XXVIII., fol. 152-153, quoted in Gautier, *Hist. Gen.*, II. 465, and Roget, II. 191. 29 Sept., 5 Oct., and 14 Nov., 1535.

³ Nov. 24, etc., 1535; Roget, II. 190.

⁴ Mar. 10, 1536. Mar. 24, bell to Satigny and preacher there and to "Cillignies"; for acts on these and later dates, see the valuable extracts from the *Registres du Conseil* and other documents, in the "Annales" contained in the standard Baum, Cunitz and Reuss edition of *Calvini Opera*, XXI. 197-198.

⁵ *Registres du Conseil*, Apr. 3, 1535, in *Calvini Opera*, XXI. 198.

⁶ *Registres du Conseil*, 4 Apr., 1536, in Herminjard, *Corr. d. Ref.*, IV. 26. "Regarding the report by our *chastelain* of Thiez that the people of Thiez have doubts about presenting themselves in church at this next Easter (16 Apr.) because of some letters of excommunication which have been issued against some, for which they desire the relief of absolution . . . Resolved, that there be written a patent to the vicars of the said district (*mandement*) that we hold them for absolved."

in a vote of the two hundred ordering the new subjects to choose in each *châtellerie* a *lieutenant du châtelain* and *auditeurs* to hear causes and to conduct the *procès* in the common tongue.¹ Evidently the two councils, the "government," regarded themselves in general as the heirs of the powers of bishop and *vidomne*, subject to the *franchises* and the ultimate decision of the primary assembly.² But the civil and ecclesiastical government of the new possessions they proposed to administer as the lords (*seigneurie*) of the land, unbound by the *franchises*, and without seeking the sanction of the primary assembly or establishing democratic institutions or local self-government. The dependent villages were administered by six *châtelains* chosen from the members of the little council.³

But these new possessions caused bloody conflicts of parties within the city, and years of strife between Geneva and Bern.⁴ Feb. 5, 1536, the chiefs of the Bernese army which was then at Geneva, fighting once more against Savoy, asked the syndics for the old rights of the bishop and the functions of the *vidomne*. The protector desired to become the suzerain. At this the old mettlesome spirit of Geneva blazed out. The syndics promptly refused and were supported with ardor by the councils. "We have endured war against both the Duke of Savoy and the bishops, for seventeen to twenty years . . . not because we had the intention of making the

¹ May 13, Roget, *S. et G.*, II. 233. The provision for use of common tongue follows the similar provision for court of *vidomne* or his lieutenant in the Genevan *franchises* of 1387, Art. I. French began to replace Latin in the *Registres du Conseil* Feb. 5, 1536, though a considerable number of records in Latin occur during the year.

² Additional proof of this increase of powers of the two councils and of a consequent aristocratic tendency in government (as councils were chosen by coöptation) will be found in actions of councils cited later. The very primary assembly that nullified bishop's right of pardon also renewed and confirmed the fullest powers (*omnimoda potestas*) to the council of two hundred. Feb. 8, 1534. *Registres du Conseil*, Vol. XXVI., fol. 210^{vo} and 210^{bia}.

³ Gautier, II. 501. The new subjects were granted right to choose *lieutenant* and *auditeurs*, for the inferior court, but from this the final appeal came to the little council, the *seigneurie*. This oligarchic or aristocratic policy is carried out later, and laws are passed, officers and preachers appointed by the Genevan councils, in none of which did the outlying territory have representatives. Nor did the councils even refer decisions to the primary assembly of Geneva. See the interesting proclamations for the *mandement* of Jussie made by "Messieurs" (*i. e.*, the little council) and published by the "*châtelain*," J. Lambert, 22 Sept., 1539 (archives; Pièces Hist. No. 1221, printed in Turretini et Grivel, *Archives de Genève*, pp. 235-238) "containing ordinances moral, civil and religious in 24 articles." See also the "ordinances as to the 'police' of the churches depending on the Seigneurie of Geneva," Feb. 3, 1547, in *Calvini Opera*, X. 51 ff.; also acts of Feb. 18, 21, Apr. 4, 7, May 12, 13, 22, Mar. 21, Oct. 6, Dec. 19, 1544, *Calv. Op.*, XXI. under these dates.

⁴ The *articulans* or *artichouds* of 1539-1540, and the executions and banishments of 1540. Cf. also the feeling toward the "quitters" (*Quitanciers*) who signed treaty of 1544. (Feb. 15.)

city subject to any power, but because we wished the poor city which had so much warred and suffered to have its liberty" (*pour estre en liberté*), was the characteristic reply of the little council.¹ Bern was eventually obliged to yield to the stubborn determination of Geneva to be independent in the administration of the city and the newly acquired villages. August 7, 1536, by a treaty so vaguely formed as to lead to eight years of conflict, Bern acknowledged the right of Geneva to exercise the powers of bishop and duke, and to possess the lands formerly dependent on the bishop, the cathedral chapter, and the priory of St. Victor. Geneva had won independence from enemies and friends. It was not merely a city but an acknowledged, independent republic with nearly thirty dependent villages.² August 8, Geneva received the joyful news "that we are princes."³

By 1536, and before Calvin's arrival, the councils had also assumed the entire control of morals and religion which they had formerly shared with the ecclesiastical authorities. Even before the formal suspension of the mass, the council had at the exhortation of Farel prohibited the dances called *virolet*.⁴ The proclamation passed by the two hundred Feb. 28, 1536, especially for the regulation of taverns—a very vital question after the suppression of the monasteries—was afterwards regarded as a sort of outline of

¹ *Registres du Conseil*, XXIX. fol. 12. Compare Roget, *S. et G.*, II. 214–217 and Gautier, II. 496–498. Syndics Feb. 5; little council Feb. 15; two hundred Feb. 17, 1536. Roget, II. 215, is in error in assigning action of Feb. 15 to two hundred. It was in the after-dinner session of the little council (*conseil ordinaire*). See *Registres du Conseil*, Vol. XXIX., fol. 12^{re} and cf. fo. 11^{re}.

² In 1544, preachers were sent to 26 villages. See list in *Genève Ecclesiastiques, ou Livre des Spectacles Pasteurs et Professeurs*, pp. 16–48 (1861). J. L. Mallet names 28 villages subject to Geneva in 1536; viz., 12 formerly subject to bishop in *mandements* of Jussy (to N. E.) and Peney (W.); 2 to "chapter"; 5 to Priory of St. Victor; 9 to *mandement* of Gaillard. (Duke of Savoy, S. E.) ("*Extraits fait par J. L. Mallet des Ext. d. Reg. par Flournois.*" MSS. in Bib. Publique de Genève. This extract made by Mallet from *Registres*.) "St. Victor and Chapter" is the phrase used to describe the lands later in dispute. Geneva, however, was obliged to agree: (1) to pay 10,000 *écus*, the balance due Bern for military defense; (2) to make no alliance without the consent of Bern; (3) to grant to Bern, Gaillard and dependencies, Convent Bellevue, Cholex and all territories lying outside the city, conquered by Bern, formerly belonging to Savoy or granted to church by Savoy. Bern agreed to extend Geneva's boundaries in the direction of Gaillard and Gex. Gautier, II. 520, names 7 villages thus included. It was during this war that Chillon was captured by Bern and Geneva, May 29, 1536, and Bonivard released. The treaty (original with seals, and 2 copies) is in the Archives, *Pièces Hist.*, No. 1157; reprinted in Gautier's ed. Spon (*Hist. de Gen.*) "*Preuves*," no. 61 (1730).—(See also Roset, *Chroniques de Genève*, L. III., ch. 70: Gautier, *Hist. de Gen.*, II. 517–520; Roget, *S. et G.*, II. 237–238).—It contains an ambiguous reservation by Bern (Art. IV., Pt. II.) of "appeals (*appellations*) if any are found to have gone before the Duke and his council or his officers of justice."

³ Roget, *S. et G.*, II. 238.

⁴ Apr. 13, 1535. Roget, *Hist. du Peuple de Genève*, I. 5.

police regulations of the state.¹ The printed placard prohibited:—blasphemy; profane oaths; playing at cards or dice; protection of adulterers, thieves, vagabonds and spendthrifts; excessive drinking; giving drink to anyone during sermon, and especially on Sunday (unless to strangers), or after nine in the evening; entertaining strangers more than one night without notification to captain or tithing men (*dizeniers*); selling bread or wine save at reasonable, established prices; and unauthorized holding of taverns.² The council forbade the observance of any holiday (*festa*) save Sunday³; ordered all inhabitants to attend sermon, quoting the fourth commandment and laying down a penalty of three *sols*⁴; forbade brides to come to weddings with head uncovered, on the complaint of a preacher that it was contrary to "the holy scripture";⁵ forbade private persons to baptize or perform the marriage ceremony and punished several offenders.⁶ The tithing men (*dizeniers*) were ordered to forbid anyone's hearing mass or performing papal sacrament "as contrary to the ordinance of God"⁷ within or without the city; and those who did so were to be considered enemies.⁸ Several priests who said the mass contrary to the order were released from

¹ *E. g.*, in vote of primary assembly, June 17, 1540, refusing increased penalties and declaring the proclamation of the last day of Feb., 1536, sufficient if enforced. (*Registres du Conseil*, Vol. XXXIV., fol. 301; *Calv. Op.*, XXI. pp. 258–259.)

² The vote in the *Registres du Conseil*, Vol. XXIX., fol. 33, differs slightly from the printed broadside (20 x 30 cm.): Archives, *Portfolio de Pièces Historiques*, No. 1161; "Ce que les Hostes ou hostesses observeront et feront observer che eulx sur la peyne contenue en la Crie faicte le dernier Iour de Februrier, Lan Mil ccccxxxvi." The vote in the *Registres* begins with the prohibition of unauthorized keeping of tavern, and does not contain specific prohibition of protection of adulterers and thieves and spendthrifts (simply "estrangers ny gens vagabundes"), or of excessive drinking. This "edited" revision, in putting the prohibition of blasphemy, etc., first, and adding the above prohibitions, emphasizes the moral features of the law. The penalties for lodging "strangers or vagabonds" without notification were 5 *sols* and loss of bread and wine for first offense, 60 *sols* for second, and ten florins and loss of right of keeping tavern for third offense.

³ *Registres du Conseil*, Vol. XXX., fol. 15. June 13, 1536.

⁴ *Ibid.*, fol. 15^{vo}, June 16. (Roget, *S. et G.*, II. 235.)

⁵ *Registres du Conseil*, Vol. XXIX., fol. 92; 28 Apr., 1536. In *Calvini Opera* XXI. 200. The complaint was made by the preacher "Cristoffle" (Libertet), who refused to marry "save as the holy scripture prescribes." This interpretation of scripture was reversed after Calvin's exile. *Calvini Opera*, XXI. 227, Apr. 26, 1538.

⁶ Six cases are recorded in the month of Feb., 1536. *Registres du Conseil*, Vol. XXIX., fol. 26, 23 Feb., 1536:—two marriages; also one baptism by an uncle, a pastry cook; another by a midwife (*ostetrice*); voted to summon and punish the baptizers. *Registres du Conseil*, Vol. XXIX., fol. 31, Feb. 25, parents confer baptism, "not thinking to do harm"; no punishment recorded. *Registres du Conseil*, Vol. XXIX., fol. 32, 26 Feb., a "*Dom(inus)*" under detention "swore not to baptize, marry or perform other sacrament without commandment of Messrs. the syndics and council."

⁷ *Registres du Conseil*, Vol. XXIX., fols. 61, 65, quoted in *Calvini Opera*, Vol. XXI., pp. 197–198, Mar. 24, Apr. 3, 1536.

⁸ Roget, *S. et G.*, II. 22, Mar. 24, 1536.

prison only under the provisos that they should "confess their misdeed before everyone at the Sunday sermon"; "that their property should be returned to them, save their arms, and from thenceforth they should live according to God (*selon dieu*)."¹ But a priest, who confessed he had celebrated mass several times after swearing not to, asked pardon in vain and was ordered to prison.² "Girardin de la Rive, having had his infant baptized at Ternier by a priest, was condemned by reason of the offense which he had made against God and the proclamations to be banished to the place where he desires to do such things."³ "Blue laws," or interfering regulations concerning religion and morals were not an invention of Calvin nor of the Puritan state. They were rather the *sequelæ* of the Middle Ages. They are the attempts of the new Protestant state to take over the personal supervision exercised by the medieval church, state and gild.⁴

There was no tolerance even for such a patriotic and broad-minded Catholic as the former syndic Jean Balard, who, when asked by the council (at the instigation of Farel) why he refused to hear the word of God, "replied he believes in God who teaches by his own spirit but he cannot believe our preachers. He said we cannot compel him to go to sermon against his conscience . . . since we

¹ *Registres du Conseil*, Vol. XXIX., fols. 105, 107, May 12, 16, 1536.

² *Registres du Conseil*, Vol. XXX., fol. 27, July 13, 1536, quoted in *Calvini Opera*, XXI. 202.

³ *Registres du Conseil*, Vol. XXX., fol. 16, 17th June, 1536. For some reason the stern logic of this vote was not carried out, and de la Rive appears, in 1536-1537, among the "opposition" to the clerical party.

⁴ In Geneva, such legislation antedated not only Calvin but the Reformation: 9 Jan., 1481, disguising or making *charivari*; 3 Jan., 1492, dances or other amusements with instruments without permission of justice; Aug. 11, 1506, playing in streets at dice, bowls, cards (proclamation by permission of vicar); Feb. 23, 1515, playing "*au bre-laud*"; 19 Apr., 1524, "*épouse de May*" and public dances; Aug. 7, 1526, "*chansons deshonnêtes et satiriques*" (penalty of imprisonment)—were all prohibited by little council (*consilium ordinarium*). (See "Extraits d. Edit. Reg. et Wages, 1309-1722," in *Archives of Geneva*, pp. 18, 28, 31, 35, 36.) May 27, 1524, *ibid.*, p. 35, "Those without profession or not exercising them to leave the city and suburbs in three days"; Mar. 14, 1430, "no one to play before celebration of mass"; Item,—"no one to play *ad cisionem panis*," *Reg. du Conseil*, ed. Rivoire, I. 133. Nov. 30, 1490, no playing in public places during divine service and no *ludos communes* in houses; Mar. 5, 1530, no blasphemy of name of God and His glorious mother, no playing in streets or public places at cards or bowls during sermon and divine service (no pardon). (Roget, *Hist. d. Peuple de Gen.*, I. 6.) The proclamation against cards, bowls and dice occurs again in 1507-1508 (*Reg. du Conseil*, XV.). The frequent prohibitions of these numerous favorite amusements (eleven) cited above, suggests the pleasure-loving quality of the Genevans. They occasioned much legislation during the Reformation. Prices of wine were regularly settled in November meeting of *conseil général* and occasionally at other times, and regulations regarding food and hours of sales were often passed. See *Registres du Conseil*, Rivoire, I. 74, 117, 120, 268, 396. For such legislation elsewhere, see J. M. Vincent, "European Blue Laws," in *Ann. Rep. Amer. Hist. Assn.*, 1897, 356-372.

said ourselves at the beginning of these affairs that no one could dominate our conscience."¹ His interesting creed which he then repeated still exists in his own hand, on a scrap of paper, sewn with a faded red thread to the records of that day. "I desire to live according to God's gospel, but I do not wish to follow it according to the interpretation of any private persons, but according to the interpretation of the Holy Spirit through the holy church universal in which I believe. Balard."² "Asked to say whether he is not willing to go to sermon, he replies that his conscience does not allow him to go there, and he does not wish to do anything contrary to that, for this reason, — because he is taught by a higher power than such preachers. Having heard all this it was ordered that if he did not obey the proclamations and go to the sermons, he must leave the city within the next ten days." The council voted three weeks later, "that if John Balard refused to go to hear the sermon he should be imprisoned and every day conducted to sermon; and that the like be done in case of all others";³ it recorded further complaints against him and five others, September 4.⁴ Although in his patriotic desire that his "body be united with the body of the city as a loyal citizen should be,"⁵ Balard evidently yielded later and held important offices, he was in 1539 again ordered to leave the city in ten days for refusing to say the mass was bad. He gave the quaint and pathetic reply "that he is unable to judge but that since it is the will of the Little and Grand Council that he should say the mass is bad he says the mass is bad and that he is worse to judge boldly of that of which he is ignorant and he cries to God

¹ An allusion probably to the vote of Mar. 30, 1533; see above, p. 223, n. 4, art. three of this vote.

² "*Je veulx viure selonc leuangel et ne veulx pas user selonc l'interpretacion daucuns p'ticuliers Mais selonc l'interpretacion du saint esperit par la saincte eglise uniuerselle en qui Je croye.*" Balard." — This is a *verbatim et literatim et punctuatatim* copy, from the *Registres du Conseil*, Vol. XXX., fol. 32, July 24, 1536. It is to be wished that the secretaries had written as good French and as clear a hand. The records for this session, *e. g.*, are partly in bad Latin, partly in bad French. The Registers of the council have no punctuation or accentuation, and no system of capitalization whatever. The editors of the *Calvini Opera* (Baum, Cunitz, Reuss) change the capitalization, and add punctuation; Herminjard (*Corr. d. Ref.*), Rilliet et Dufour (*Premier Cathéchisme*), the editors of Gautier (*Hist. de Gen.*), and M. Dufour-Vernes, the present archivist of Geneva, add also accents. All write out the constant abbreviations.

³ *Registres du Conseil*, Vol. XXX., fol. 40, August 15, 1536. Reaffirmed by council sixty, next day.

⁴ *Registres du Conseil*, Vol. XXIX., fol. 53. P. Lullin, J. Philippe, J. Balard, Cl. Richardet, J. Malbuisson, B. Offischer. The first four of these failed of re-election to the council in following year. But Richardet and Philippe were leaders of the "opposition," and were elected syndics and aided the exile of Calvin and Farel, 1538. Richardet pled for tolerance Sept. 4, 1536; and two months later was elected *lieutenant de justice*.

⁵ Dec. 22, 1539. See note 1, p. 233.

for mercy and renounces Satan and all his works." Not content even with this, the council finally wrested from him its required "affirmative or negative answer," "The mass is bad."¹

It is a sadly significant picture—an honored and sane magistrate and not a fanatic, nobly pleading for broad tolerance and freedom of conscience, but compelled to submit his religious convictions to the apparent political necessities of his day. As patriotic as he was tolerant, the statesman sacrificed his theology to his patriotism and remained to serve his state.² The story of Balard, instructive in itself, is still more significant because of its date. The first inquisition, in July, 1536, occurred before Calvin settled in Geneva, the final one, in 1539, during Calvin's exile when his anti-clerical opponents were in power. Calvin found Geneva and Europe intolerant; he did not make them so.

The councils, though exercising full power in religion and morals, consulted the "preachers." They sought and heeded the latter's advice regarding such matters as brides' head dress;³ marriage causes "necessitating consultation of the Scriptures";⁴ introduction of the reform into the new possessions; summons of Balard; and improvement of faith, education and morals.⁵ They also voted to "feed, clothe and support" the preachers upon the property of the parishes "both of the city and of our land."⁶

The increased judicial functions of the little council, as the supreme court, after the abolition of the bishop's jurisdiction in

¹ *Registres du Conseil*, Vol. XXXIII., fols. 400^{vo}, 401-402, Dec. 22-24, 1539. Parts of the process are to be found in *Calvini Opera*, XXI. 203. The account, with extracts, is correctly given in Roget, *S. et G.*, II. 243-246, and Roget, *Hist. du Peuple de Gen.*, I. 158-160. The passages are reprinted from *Registres* in J. J. Chaponnière's introd. to *Journal du Syndic Jean Balard*, pp. lxvii-lxviii, lxxiv-lxxv. (*Mem. et Doc. de Soc. d'Hist. de Gen.*, X. (1854).) Gautier, *Hist. Gen.*, III. 54, seems to have failed to note the council's relentless insistence, and the final reply of Balard, and is therefore led into error of attributing tolerance to the council. (See *Registres du Conseil*, Vol. XXXIII., fol. 402^{vo}; "*Puis après az confesse la messe estre mauuayse*," Dec. 24; and reaffirmation Dec. 26, before two hundred.)

² J. Balard, the author of a valuable *Journal* (1525-1531), had been syndic in 1525-1530 (*Jour. de Balard*, ed Chaponnière, pp. xiv-xxxv, *Mem. et Doc. Soc. d'Hist. d. Gen.*, Vol. X.). He was afterwards in little council in 1531-1536, and 1539; frequently in two hundred; regularly in sixty, from 1546. The day of Calvin's return from exile (13 Sept. 1541), Balard was made one of six councillors to "confer" with "preachers" and draw up the *ordonnances ecclesiastiques*, replacing Goulaz of dubious reputation.

³ See above, p. 230, note 5.

⁴ *Registres du Conseil*, Vol. XXIX., fol. 113, May 23, 1536. "Mariage . . . pource que cest chose pressante un besoigne entendre les escriptures, est arreste que lon demande les predicans en conseil pour veoir sur ce affaire leur opinion."

⁵ See above, p. 227, note 4; p. 230, note 7; below p. 235, and note 1.

⁶ *Registres du Conseil*, Vol. XXIX., fol. 103, May 10, 1536.

1534, gives further evidence of the wide range of powers which were concentrating in a small body. In this council of twenty-five men, only five were ever chosen in any one year by the people, and sixteen were elected by a council of their own nominees, the two hundred. The court records indicate that the conditions of the introduction of the Reformation in 1535-1536—the cessation of the old system of religious authority, and the sudden plunge of monks and priests out of religious establishments into a new social order—threatened Geneva within with a difficult social problem, at the time when she was fighting outside with weapons and diplomacy to solve her political problem.¹

For the formal adoption of the religious reform, the action of the primary assembly, the *conseil général*, was regarded as necessary. May 19, 1536, Farel exhorted the council upon the coldness of the people's faith, the need of setting schools in order, and the presence of dissoluteness, "mummeries," songs, dances and blasphemy. The little council replied by advising the two hundred of the need of a *conseil général*. The two hundred called this primary

¹ Sixteen criminal trials are recorded for the year 1535, and six for the year 1536, in the "Procès Criminel et Informations," but these are only the graver cases. The little council frequently dealt with cases in their ordinary sessions recorded in the *Registres* but not in the *Procès*. The *Registres* also record general conditions (e. g., songs sung by bad women, Sept. 5), and proclamations (prohibition of vain songs and fornication, Sept. 8, 1536). In 1536 an adulterer was put three days in the dungeon ("crotton"), while the adulteress was banished (Roget, *S. et G.*, II. p. 235). The *lieutenant de justice* himself, Jean Curtet, the judicial officer of the state, was convicted of fornication, imprisoned three days on bread and water, degraded from office and compelled to seek pardon of the two hundred. He was six months later elected first syndic, Feb. 4, 1537, contrary to law (*Registres du Conseil*, Vol. XXX., fol. 164^{vo}. Cf. Gautier, *Hist. Gen.*, II. 526). The complaints of Farel before the council (May 19 and Sept. 8), the accounts of Fromment, though probably exaggerated, Fromment's own life and descriptions, the conduct of such leading men as Curtet, Goulaz, Bonivard, suggest a considerable, though not surprising, amount of dissoluteness and vice. Cf. Kampschulte, *Calvin*, I. 206-207, w. Roget, *S. et G.*, II. 271, etc. The natural tendency of eulogists of Protestantism or the Calvinistic system has been to exaggerate the evil life in Geneva before Calvin's arrival. Such Genevans as the two Galiffes are partizans of the other sort. The number of cases recorded in the *Procès Criminel* may be given for what they are worth: 1535, 16; 1536, 6; 1537, 3; 1538, 4; 1539, 13; 1540, 21; 1541, 6; 1542, 5; 1543, 17; 1544, 2; and for the next ten years, 34, 18, 12, 4, 7, 5, 6, 10, 15, 20, respectively (1545-1554); with a remarkable increase for ten last years of Calvin's rule; viz., 43, 49, 88, 95, 87, 68, 54, 92, 76, 86 (1555-1564). This gives an average for the first decade of the reform (1535-1544) of 8.5; for the second (1545-1554) 12.4, and for the third decade (1555-1564) of 73.8 cases recorded in the *Procès Criminel* per year! This increase of over eight-fold might indicate either more crime or more rigid prosecution (probably the latter) in the third decade when the Calvinistic, puritan, conception had won its decisive victory. The number decreased strikingly in the time of Beza (1564-1605); viz., 43.5 for the first, 5.3 for the second, 5.2 for the third, and 6.4 for the fourth decade, if the records were accurately kept; no entries occur for 1574-1579, 1590-1594, 1596-1599.

assembly for Sunday.¹ The taking of the solemn oath "to live according to the Gospel and the Word of God," "sworn before God" alone by the whole body of citizens with uplifted hands, is a striking scene, significant in the history of democracy and religious liberty.

Sunday, May 21, 1536.

The *Conseil Général* in the cloister [of St. Peter's].

According to the resolution of the Little Council (*conseil ordinaire*), the *Conseil Général* was assembled by customary sound of bell and trumpet. And by the voice of M^r Claude Savoy, first syndic, were proposed the resolutions of the *conseil ordinaire* and of the Council of Two Hundred, touching the manner of living . . . viz., to live according to the Gospel and the Word of God as has been since the abolition of the mass [Aug. 10, 13, 1535] and is now preached always among us; without further desire or wish for masses, images, idols or other papal abuses whatever. Whereupon, without any dissenting voice, it was generally voted, and with hands raised in air resolved and promised and sworn before God, that we all by the aid of God desire to live (*volons vivre*) in this holy evangelical law and Word of God, as it has been announced to us, desiring to abandon all masses, images, idols, and all that which may pertain thereto, to live in union and obedience to justice. . . . Also voted to try to secure a competent man for the school, with sufficient salary to enable him to maintain and teach (*nourrir et enseigner*) the poor free; and that every one be bound to send his children to the school and have them learn; and all pupils and teachers (*escolliers et aussi pedagoges*) be bound to go into residence (*aller faire la residence*) at the great school where the Rector and his Bachelors shall be.²

Taken in the order of their historic development (1528-1536), there are four principles in the Genevan Protestant state:

1. Obedience to the independent, civil government.
2. Rejection of "papal abuses."
3. Adoption of the "Word of God," "as preached," as the standard of life.
4. Establishment of universal, primary education, free to the poor.³

To transform this Protestant into a Puritan state, it was necessary to add:

1. Establishment of the Church as a distinct organism with co-ordinate and constitutional rights with the State (1541), thus lim-

¹ *Registres du Conseil*, Vol. XXIX., fol. 112. The complaint as to morals is based on statement in Roset, *Chron. d. Gen.*, p. 262 (ed. 1894). Sunday had been and remained under Calvin the day for primary assembly.

² *Registres du Conseil*, Vol. XXIX., fol. 112, Sunday, May 21, 1536. The vote has been frequently reprinted; e. g., *Calvini Opera*, XXI. 202. The number of citizens in Geneva in 1536 capable of voting in *conseil général* is estimated by E. Mallet as 1,000 to 1,500 (*La Suisse Hist. et Pittor.* [Geneva, 1855-1856], II. 552). Saunier had been elected rector at a salary of 100 *écus* of gold, by the two hundred, May 19; see *Registres du Conseil*, Vol. XXIX., fol. 112; *Calvini Opera*, XX. 201-202; and F. Buisson, *Sebastien Castellion*, I. 123.

³ There was provision for both girls and boys in the vote of May 21, 1536. The girls were to be apart as before, and all boys were to come to the great school. *Registres du Conseil*, Vol. XXIX., fol. 112.

iting the latter's ecclesiastical power and preventing absorption of Church by State ("caesaropapism").

2. Definite organization of creed and religious training including catechism (1537); discipline and supervision of morals (1541); including substitution of new marriage laws for old canon law (1561).

3. Unflinching enforcement of the "Word of God" in all matters of daily life—moral and social, private and public, and upon all inhabitants (1555).

4. University education, to train for Church and State (1559).

5. A different temper and fibre—conscientious, unyielding, unflinching, austere (1555).

By August, 1536, before she came under Calvin's influence, Geneva had won her independence against her enemies, duke and bishop, after nearly twenty years of warfare, and against the "salvage" claims of her ally Bern. In the process, the state, or more accurately its civil magistrates, had taken over the following large executive, legislative and judicial powers—military, diplomatic and religious: the trial and execution or pardon of criminals; declaration and conduct of offensive and defensive warfare; making and breaking of alliances; the conquest, and civil and religious administration of subject territory; coining money; acquisition of church property and diversion to new ends; regulation of religion—including certain articles of creed and worship, appointment of ministers and even pronouncing of absolution; regulation of private morals; and establishment of compulsory primary education. But it was rather the two councils than the commune itself that gained and exercised these powers. The primary assembly, it is true, had decided on alliances, and formally sanctioned the reformation and compulsory primary education. It also elected four syndics, a treasurer and secretary, and a lieutenant of justice with inferior jurisdiction. But all the other newly acquired powers enumerated above had been exercised by two councils which elected each other.¹

¹ After 1530, the two hundred elected the little council; the little council then elected the two hundred, *i. e.*, 175 members besides themselves. These elections usually occurred respectively on the Monday and Tuesday following election of syndics, 1st Sunday in February. The four syndics of the previous year remained as members of the little council; the treasurer and four new syndics were elected by the primary assembly, leaving sixteen to be elected by the two hundred. As the council of sixty elected by the little council acted so very rarely, it has seemed much simpler to follow actual conditions and speak regularly of the two active councils (twenty-five and two hundred). The functions of the state (though not then distinguished) may be analyzed as follows: (1) Executive; syndics and little council. (2) Legislative, usually the little council (*ordinaire*); in difficult or important cases, the two hundred; elections of chief officers by primary assembly (*conseil général*). (3) The judicial arrangements were as follows in 1536: (a) Supreme court in criminal cases, syndics and little council (*conseil ordi-*

The primary assembly was rarely called, and nearly all the executive and legislative steps in the progress of independence and reform had been taken by two bodies of magistrates, the little council of twenty-five, and the council of two hundred. Under normal circumstances, the members of both these bodies continued in office, save for malfeasance. Even the four syndics and other executive officers elected by the primary assembly were almost invariably chosen from the double list of nominees presented to it by the two hundred, which had in turn revised the nominations presented by the little council.¹

Geneva, then, had developed independence and civil rights, but neither democracy nor directly representative government. She had taken steps in this direction, and in two vital civil and religious changes the people, the "commune," had acted in their sovereign capacity. But, on the other hand, there had been, in the fierce struggle for independence and order, a marked and continued tendency from the middle of the fifteenth century to concentrate power in the hands of a few men, conservative, responsible, and experienced.² It is an instructive experiment in a system of "mixed

naive). But the two hundred possessed right of pardon and in extreme cases the court consisted of 16 members of two hundred in addition to little council. (b) Police and civil court of first instance (replacing *vidomne* after Nov. 14, 1529), consisting of lieutenant of justice and four assistants (*auditeurs*) elected by *conseil général* (annually in November). The lieutenant was re-eligible only after three years. (Cf. Bonivard, *L'Anc. et Nouv. Pol.*, p. 29.) (c) *Procureur général* (1534), who intervened in all processes where public interest was at stake and was legal representative of minors and those under disabilities. See H. Fazy, *Constitutions de Genève*, p. 39; Bonivard, *L'Anc. et Nouv. Pol.*, 29; E. Mallet, *Coup d'Oeil, Hist. et Pitt.*, p. 552; Gautier, *H. d. G.*, II. 405, 546. See also *Registres du Conseil*, Vol. XXIX., fols. 1-4, Vol. XXVIII., fol. 209, Feb. 6, 1535, Vol. XXV., fol. 230, Feb. 8, 1534 (or Vol. XXVI., fol. 210^{re}); and other references to *Registres du Conseil* cited above.

¹ The assembly, however, possessed the right to elect its own choice in place of any or all nominees for syndic. Feb. 6, 1536, it exercised this right in electing Hemioz Levet. *Registres du Conseil*, Vol. XXIX., fol. 1.

² For fifteenth century see above, pp. 220-222 and notes. For later developments, see powers exercised by council referred to above, pp. 236-237. The danger is recognized by the *commune* and expressed in: the defeat of every caucus nominee by the *conseil général*, 1458; the provision of 1459 for reading franchises and hearing individual complaints; the *conseil général's* reassumption and assertion of taxing power, 1460; by intrigues to upset the two hundred (see *Reg. Con.*, vote Feb. 8, 1534, Vol. XXV., fol. 230); by provision against re-election of syndics before 3 yrs. (1518); and by revolutionary events of 1537-1540. In the list of magistrates and councils a strikingly small number of names occurs, but the same ones recur constantly. *E. g.*, of the eleven unsuccessful candidates for syndics, treasurer, and secretary for the chamber of accounts, in the vote of *conseil général*, Feb. 6, 1541, all but two were consoled by positions in two councils. See *Registres du Conseil*, Vol. XXXV., fols. 52-56, Feb. 6, 7, 9, 1541. Compare also the lists of syndics, lieutenants and councillors in appendices to vols. of Roget, *Hist. d. Peuple d. Gen.*

aristocracy" and democracy, the system advocated by Calvin after seven years' experience, and by John Winthrop in Massachusetts Bay, a century later.¹ It had its efficiency. But it also had its dangers. The latter were averted in Geneva in part by the mettlesome spirit of the "*commung peuple*," who asserted their somewhat tumultuous sovereignty in the stormy years, 1537-1541; and in part by the influence of the "preachers" and the church in the endeavor to maintain their rights and prevent the absorption of all power by the magistrates. It is noteworthy that in the seventeenth and early eighteenth centuries, when both Calvin and Beza were gone, and there were no ministers strong enough to check the oligarchic tendency, the power of the magistrates and of the citizens with exclusive privileges, developed into a dangerous political and social aristocracy, which was attacked in the three revolutions of 1707, 1735-1738, and 1782, antedating the French Revolution of 1789.²

Several things, it is well to note, Geneva had *not* adopted before Calvin. She had not adopted democracy. She had distinctly repudiated the noble plea of honest and loyal Jean Balard for freedom of conscience. She had refused her inhabitants liberty in matters of worship even outside the city—saying to her old and honored families, conform or "go where you can do these things."³ She had not adopted personal liberty, but had continued to pass restrictive legislation regulating prices, amusements, hair-dressing, hours and amount of drinking, attendance on sermons, non-observance of holidays.⁴ The Genevan church as an organism cannot be said to have existed before Calvin. It had neither formal creed nor system

¹ Calvin's *Institutes*, ed. 1543, ch. XX., sec. 7, *Calv. Op.*, I. 1105; Winthrop, *Arbitrary Government described and the Government of the Mass. vindicated from that Aspersión* (1644), in R. C. Winthrop, *Life of John Winthrop*, II. 440-458 [ed. 1869].

² For the comparatively unknown period of Beza, see the recent careful study from the sources, by Eugène Choisy, *L'État Chrétien Calviniste à Genève au Temps de Théodore de Bèze* (1902). To M. Choisy and to Professor Chas. Borgeaud of the University of Geneva I am indebted for suggestions on this later aristocratic development and on many other points. Professor Borgeaud has emphasized the democratic tendencies of the Reformation in his suggestive *Rise of Modern Democracy in Old and New England* (1894), and his monumental *Histoire de l'Université de Genève*, L'Académie de Calvin, 1559-1798 (Geneva, 1900). The long and strong aristocratic tendency before Calvin in Geneva has not, so far as I know, been made clear. Only with this perspective can Calvin's tendencies be rightly judged. For 18th century, see E. Mallet, *Coup d'Œil*, etc., II. 554-556.

³ The language is that employed in the case of Girardin de la Rive, but the policy is characteristic; cf. action in case of Balard, and five others, Sept. 4, 1536. See above, p. 232, n. 5.

⁴ See above, pp. 229-231 and notes.

of religious training. It had no rights of either property, discipline, revision of membership, or choice or dismissal of pastors.¹

The Genevan commonwealth of 1536 had won independence and abolished papal abuses, but had not established democracy or personal liberty, nor organized a new church. Her people had grown mettlesome and obstinate in defense of chartered rights and newer liberties, but they were even yet, "for the most part, thoughtless and devoted to their pleasures." Her institutions and popular temper were vigorous but still plastic. Neither institutions nor temper had yet produced any striking contribution to human development, but the institutions were adaptable and the people capable of remarkable development, under conviction and devotion to a definite programme or goal.²

¹ "The external forms of worship, the public prayers, the place of the sermon, the rites of baptism and of the Holy Communion, the celebration of marriage must have been fixed after the rules laid down in a little publication drawn up no doubt by Farel and published in 1533 under the title, *La manière et fasson*," etc. (Rilliet et Dufour, *Premier Catéchisme de Calvin* (1537), p. xv.)

² There is no adequate exposition of the Genevan temper ("mentality," for lack of a better word) before the arrival of Calvin. It can best be understood from the deeds and from the contemporary writings of Bonivard, Fromment and his vigorous wife, Marie d'Enté (see her *Épître très Utile*, 1539, extracts in Herminjard, *Corr. d. Ref.*, V. 302 ff.), Balard, Jeanne de Jussie, and from the things prohibited. Many of the criticisms of Genevan immorality before the Reformation overshoot the mark. No people utterly devoted to license could have so strenuously maintained their independence almost continually for centuries, and against such odds. Even the curious regulations of vice show not only its presence but a constant attempt to repress it. The Genevans, in fact, were not a simple, but a complex, cosmopolitan people. There was, at this crossing of the routes of trade, a mingling of French, German and Italian stock and characteristics; a large body of clergy of very dubious morality and force; and a still larger body of burghers, rather sounder and far more energetic and extremely independent, but keenly devoted to pleasure. It had the faults and follies of a medieval city and of a wealthy center in all times and lands; and also the progressive power of an ambitious, self-governing and cosmopolitan community. At their worst, the early Genevans were noisy and riotous and revolutionary; fond of processions and "mummeries" (not always respectable or safe), of gambling, immorality and loose songs and dances; possibly not over-scrupulous at a commercial or political bargain; and very self-assertive and obstinate. At their best, they were grave, shrewd, business-like statesmen, working slowly but surely, with keen knowledge of politics and human nature; with able leaders ready to devote time and money to public progress; and with a pretty intelligent, though less judicious, following. In diplomacy they were as deft, as keen at a bargain and as quick to take advantage of the weakness of competitors, as they were shrewd and adroit in business. They were thrifty, but knew how to spend well; quick-witted, and gifted in the art of party nicknames. Finally, they were passionately devoted to liberty, energetic, and capable of prolonged self-sacrifice to attain and retain what they were convinced were their rights. On the borders of Switzerland, France, Germany and Italy, they belonged in temper to none of these lands; out of their Savoyard traits, their wars, reforms and new-comers, in time they created a distinct type, the Genevese. This perhaps bold attempt of one from another continent to suggest the two sides of this very complex but very human and interesting folk may be concluded with a quotation from a Genevan representing many of the above somewhat contradictory characteristics: "One might kill them rather than make them consent to that from which they had once dissented. . . ."

In August, 1536, there settled in Geneva a young French theologian and jurist, then in his twenty-eighth year, possessed of the attributes needed by Geneva—unflinching moral conviction and a systematic programme. The next twenty-eight years, the second half of Calvin's life, were devoted to systematizing Genevan institutions and tempering her citizens.¹ The new generation of Genevese, bred on Calvin's catechism, disciplined by his consistory, and recruited by the exiles from other lands, was a new folk. Hardened by war, they were still more finely tempered by conviction and moral discipline. Their state was definitely organized and their institutions were crystallized into written codes. In 1564, within a year from the time when the Council of Trent had completed its programme of Catholicism, Calvin had finished his career and Geneva had become the living exemplar of the new fighting creed of Protestantism. Geneva and Calvin together accomplished what neither could have done alone; they produced a new force in the world. The little Protestant state, reorganized on the basis of Calvin's ideas, became a Biblical commonwealth, ruthlessly conscientious, intellectual, independent, business-like and successful—in a word, a Puritan state.

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Otherwise, they were for the most part thoughtless (*sans souci*) and devoted to their pleasures; but the war, necessarily, the reformation of religion, voluntarily, withdrew them therefrom. . . . Many pleasant buildings (which) were destroyed, both to ensure the city from its enemies and to remove papal superstitions; in such wise that its beauty has been lessened to augment its force." The value of this frank characterization is not lessened by the fact that Calvin and Geneva found Bonivard's *Chronicle* too rude to publish. Bonivard, *Chroniques de Genève*, Revilliod's ed. (Gen., 1867), p. 35. Cf. the unknown author quoted by Rogert, *S. et G.*, II. 121, "I did not prefer beauty to honesty,—I ruined my beauty to save my honor and instead of Geneva the beautiful became Geneva the valiant" (*e pulchra fortis facta Geneva vocor*).

¹ Even during the three years of exile (1538-1541), Calvin devoted much time to Genevan conditions and the larger relations which involved Geneva.

THE CONSTITUTION AND FINANCE OF THE ROYAL AFRICAN COMPANY OF ENGLAND FROM ITS FOUNDATION TILL 1720

THE early history of the Royal African Company of England has an interest of its own in view of the peculiarities of its financial methods. Towards the close of the seventeenth century the joint-stock organism was adapting itself to its environment; and of all the different forms of adaptation that of the African Company presents the most marked characteristics. From the point of view of economic history it is important to be able to make some estimate of the amount of capital employed in early trading undertakings and the mode of their finance. Fortunately it is possible to obtain this information in the case of the African Company and also to follow the different steps by which the capital of the company had expanded or contracted according to the needs of the trade and the state of the privileges of the undertaking.¹

Prior to the incorporation of the Royal African Company English traders had sent intermittent voyages to the coast of Guinea for over a century. Sieur de Guerchy, writing to the Duc de Praslin in 1767, dates the foundation of the English trade to Africa as early as 1536.² Hakluyt mentions five voyages as undertaken in each of the years from 1553 to 1557.³ In 1563 Queen Elizabeth was a partner in an expedition, commanded by John Hawkins, which yielded a satisfactory profit.⁴ In 1588 the first African Com-

¹ The chief source for this important information is a collection of papers relating to the company, which is preserved amongst the "Treasury Papers" at the Public Record Office, London. These documents are entered under the general heading of "Royal African Company" in a separate MS. catalogue, and consist of "Warrant Books," "Home Journals," "Minute Books of the Court of Assistants," "Stock Journals and Transfer Books," "Accounts, Letters, etc.," and "Miscellaneous Books." There is no "Minute Book of the General Court" and several volumes of "Minute Books of the Court of Assistants" are missing. Many of the books are bound in fine white vellum, with the elephant (taken from the arms of the company) stamped on them in gold. Many points of interest might be noticed as arising from a careful examination of these papers. It may be mentioned that James II. held £1,000 "original stock." After the Revolution it was decided that this stock must be transferred to William and Mary. The original transfer from James II. to Graham, the secretary of the company, is bound up in one of the minute-books (No. 1456, f. 32), and, although it is dated August 20, 1691, James is still entitled "the King's most excellent Majesty" and "King James."

² Bonnassieux, Pierre, *Les Grandes Compagnies de Commerce* (Paris, 1892), 96-98.

³ *Voyages* (Ed. 1809), II. 464, 470, 480, 496, 504.

⁴ *Calendar State Papers, Dom.*, 1547-1580, p. 215. *Annals of Commerce*, by David MacPherson, II. 136-137.

pany, incorporated by letters patent, was founded¹ and another similar company in 1618.² In 1631 a third chartered undertaking was formed;³ but, like its predecessors, it was unable to hold its ground, and in 1651 a temporary charter was granted the East India Company.⁴

After the Restoration a new company was formed, which was the direct predecessor of the Royal African Company. On Jan. 10, 1662, Charles II. incorporated a number of persons under the title of the "Governor and Company of the Royal Adventurers of England trading into Africa." The charter, besides granting the usual rights of a corporation, conveyed in addition the privilege of exclusive trade from Sallee to the Cape of Good Hope.⁵ This company started under distinguished patronage. Prince Rupert was the first governor and amongst the thirty-six assistants there were several noblemen and merchants of good standing. At first the operations of the company promised to be very successful but its officials involved it with the Dutch by attacking their forts in Africa. This led to reprisals, and the English forts, ships and goods on the coast of Guinea were seized by the Dutch in 1665. The remainder of the short history of this company is one of financial distress. As in the case of the previous Guinea Company attempts were made to farm its privileges to persons who were not members. In 1668 an offer was made of £1,000 a year for seven years for the right to trade to the north coast of Africa.⁶ The rents obtainable for the lease of the company's privileges were insufficient to liquidate the debt already contracted; and, in 1672, the charter was surrendered to carry out a scheme of arrangement with the creditors.

The method of satisfying the claims against the company was both drastic and original. To ascertain how the situation was faced it is necessary to examine in some detail the finance of the adventurers. The capital subscribed at the formation of the company amounted to £122,000 in 305 shares of £400 each, divisible into half shares of £200 each. The qualification of the governor was one share, or £400.⁷ Out of the £122,000 subscribed, it was agreed that £20,000 should be paid to the representatives of Sir Nicholas Crisp (who had been a prominent member of the previous

¹ *Hakluyt's Voyages*, II. 610.

² State Papers, Grant Book Dom. Jac. I., p. 268.

³ *Rhymer's Foedera*, XIX. 370.

⁴ *Annals of Commerce*, II. 370.

⁵ Charter of the Royal African Co., Treasury Records (Public Record Office), Royal African Co., No. 1390, f. 3.

⁶ Treasury Records, Royal African Co.—Court Book of the Assistants of the Company, 1663–1670, f. 82.

⁷ *Ibid.*, f. 101.

company) for the forts and factories in Africa. This debt was never discharged by the Company of Royal Adventurers and was still owing in 1709.¹

As early as 1664 fresh capital was required and "2 per cent. above the ordinary interest" was offered for loans from the shareholders at par. Subscriptions were invited for £25,000; but, outside the assistants, very little was raised.² Later in the same year a fresh endeavor was made to raise capital, and, on this occasion, the bonds were to be issued at a discount. On Nov. 4, 1665, the King wrote that considering "the greatness of the Company's debt and the heavy interest under which the Company's stock now labours," all money realized by home-coming ships should be used in paying debts not in new ventures.³ At this date loans could only be effected on the personal security of the assistants.⁴ In 1667 another attempt was made to float a loan but with small success, though in some cases creditors were induced to accept bonds under the company's seal in satisfaction of their claims.⁵

From 1667 to 1671 the position of the company had gone from bad to worse and at the latter date the undertaking was insolvent. The debts were estimated to amount to £57,000 and beyond the privileges of the charter the assets were of little if any value. The company and its creditors were therefore in the dilemma that there were few if any assets except the charter, and if the charter were to be of any value working capital was required. In the existing state of the company's finances, there being no credit, capital could not be obtained until the creditors had been satisfied. It was therefore to the interest of both shareholders and creditors that the company should be reconstructed even at considerable sacrifice, and in 1671 a scheme was drawn up and accepted which provided for winding up the company and for the formation of a new one while giving some compensation to members and bondholders. The following was the reconstruction-scheme adopted, which provided for the formation of a new company with a capital of £100,000.

Table A. Reconstruction Scheme.

| | |
|---|----------|
| The existing capital of £122,000 to be written down by | |
| 90 % | £ 12,200 |
| Creditors for debt of £57,000 to receive two-thirds, or £38,000 in stock of the old company. This £38,000 stock was to be likewise written down by 90 % and exchanged for stock of new company..... | |
| | 3,800 |

¹ *Journals of the House of Commons*, XVI. 180.

² Court Book, 1663-1670, f. 6.

³ Court Book, 1663-1670, f. 37.

⁴ *Ibid.*, f. 38.

⁵ *Ibid.*, f. 59.

Creditors were to receive the remaining third of debt *in cash* out of subscription below.

| | |
|---------------------------------|-----------------|
| Balance of subscription..... | 84,000 |
| Total capital, new company..... | <u>£100,000</u> |

Table B. Allocation of Capital of New Company Between Shareholders and Creditors of the Old.

| | |
|--|-----------------|
| Stock of new company to shareholders and creditors of the old company..... | £ 16,000 |
| Cash to creditors of old company..... | 19,000 |
| Cash available as working capital..... | 65,000 |
| | <u>£100,000</u> |

Table C. Position of the Creditors on Reconstruction.

For each debt of £100, there was paid in cash one-third, £33. 6. 8

The remaining $\frac{2}{3}$ of the debt converted into stock of old company for the same amount. This was transferred to stock of the new company at 10% of its nominal value, giving as the equivalent of the remaining £66. 13. 4 of the debt £6. 13. 4 stock of the new company worth at par.....

| | | |
|------------|----|----|
| 6 | 13 | 4 |
| <u>£40</u> | 0 | 0* |

* Conditional on stock selling at par.

In order to carry out this scheme of rearrangement of capital the charter was surrendered, as otherwise it was held that the new capital to be raised might have been claimed by the creditors of the old company.¹ On the cancellation of the charter, Charles II. incorporated the creditors and shareholders, who assented to the reconstruction scheme, as the "Royal African Company of England" in 1672. As it will be found that two distinct series of events, namely the state of the finances of the company and opposition to the monopoly, were frequently interacting and influencing its fortunes, it will be conducive to a clearer understanding of the transactions of an eventful fifty years to trace the history of each separately.

THE ROYAL AFRICAN COMPANY OF ENGLAND—ITS PRIVILEGES.

Under the charter of 1672 the usual privileges of incorporation are granted as well as "the whole entire and only trade" from Sallee to the Cape of Good Hope and the adjacent islands.² The company had the right of acquiring lands within these limits (provided such lands were not owned by any Christian prince) "to have and to hold for 1,000 years, subject to the payment of two ele-

¹ Treasury Records, Royal African Co., No. 1390, f. 2.

² Treasury Records, Royal African Co., No. 1390, f. 15.

phants' teeth," when any member of the royal family landed in Africa.¹ Powers were also given to the company to make peace and war with any non-Christian nation.² Amongst other miscellaneous privileges the right of Mine Royal was conveyed to the company on condition that the Crown might claim two-thirds of the gold won, on paying two-thirds of the expenses, the company retaining the remaining third.³

A considerable portion of the charter is occupied with provisions as to the internal government of the company. The stock-holders were to elect annually one governor, one sub-governor, one deputy-governor and twenty-four assistants.⁴ This part of the constitution is similar to that of the East India Company at this date, except that the twenty-four officials are here called assistants instead of committees, and that a new office—that of sub-governor—is created. The latter difference is accounted for by the fact that the governorship of the African Company was an honorary appointment filled by members of the royal family. The quorum at the court meeting was seven, of whom either the governor, sub-governor or deputy-governor must be one.⁵ In 1714 the qualification for an assistant was £2,000. Each £500 of stock commanded one vote up to a maximum of five votes.⁶ In 1680 the stock-holders numbered 198.⁷

In addition to the privileges conferred by the charter, the company endeavored in 1672 to obtain Parliamentary sanction by promoting a bill. This was read a first time in the House of Lords but was "not proceeded with."⁸

For seven years, from its foundation up to 1678, the company was highly successful. In the three years 1676–1678, 50 guineas per cent. were paid or nearly 55 per cent.⁹ These favorable results engendered hostility in two ways—as with the India Company, persons who had suffered for infringement of the monopoly of the company were bitter against it, and secondly those who had lost money from 1662 to 1670 and had failed to take up stock in the new undertaking were jealous of others who had been more fortunate. Writing in June, 1679, a member of the company says:

¹ *Ibid.*, f. 4.

² *Ibid.*, f. 19.

³ *Ibid.*, f. 20.

⁴ *Ibid.*, f. 8.

⁵ *Ibid.*, f. 8.

⁶ *Proceedings at a General Court Meeting of the Royal African Company, Feb. 18, 1714.* Lond. 1714 (British Museum 8223, c. 4).

⁷ Treasury Records, Royal African Co., No. 1741. (Assts. Minute Book under June 17, 1680.)

⁸ *Report of Royal Commission on Hist. MSS.*, IX. Pt. II., p. 9.

⁹ *Vide infra*, p. 258.

"Mr. Edward Seymour is very bitter, because in the former stock he lost near £400 and is unconcerned in this. He was a subscriber but never paid his money so he envies us, and I believe we fare never the better at this time by having the Duke of York as our Governor."¹ Later in the year the same writer says that if the King wants money the company was not in a position to lend it, "for that's as poor as a Courtier . . . we go on paying off our debts that if the company be broke nobody may be sufferers but those that be in it."² The pessimistic prognostication of the last sentence was not borne out by events; for in the thirteen years from 1680 to 1692 eight dividends were paid and apparently a substantial reserve fund was formed. In 1691 the amount of each proprietor's stock was quadrupled without payment. This operation, like the doubling of the East India Company's shares in 1681, seems to have brought bad luck; for from 1691 to 1697 a series of disasters were encountered partly through the war and partly by disorganization of trade by persons who infringed the exclusive privileges of the company.

After the India Company had passed through the ordeal of an organized attack on its monopoly from 1692 to 1694, the opponents of exclusive grants turned their attention to the Royal African Company. The position of the company both financially and legally was comparatively weak and the assistants with some strategic ability petitioned Parliament in 1694 for leave to bring in a bill to establish the company rather than wait for the expected request for the formation of a regulated company. They alleged that the African trade was impossible unless carried on by a joint-stock company with exclusive privileges. The cost of the up-keep of the forts was £20,000 a year, and a regulated company could not find so large a sum. They also claimed consideration on the ground of the large losses of the company during the war, which were estimated at £400,000.³ Davenant, who wrote in favor of the company, urged that it was the policy of its opponents to depreciate the value of the forts and factories, so that they should be transferred to the proposed regulated company at a nominal price.⁴ Precedent was in favor of a joint-stock company for the African trade, for all other countries managed it on that basis,⁵ and in no case by a regulated company—the reason being that in dealing with savages, forts and an armed force were necessary and the consequent charges could only be raised equitably from a joint stock. Further in dealing

¹ *Report of Royal Commission on Hist. MSS.*, VII. 472.

² *Ibid.*, 476.

³ *Davenant's Works*, V. 157.

⁴ *Ibid.*, 126.

⁵ *Ibid.*, 127.

with natives unity of councils and a uniformity of rules were indispensable.¹ A single independent trader, who, for the sake of a quick profit, was prepared to ill-treat the natives had it in his power to injure the trade of other Englishmen by exciting the hostility of the chiefs.²

As against these arguments some very damaging evidence was adduced against the company at the Parliamentary enquiry which began on March 2d, 1694. One trader, Richard Holder, swore that he had a capital of £40,000 employed in the Guinea trade under license from the company. On his first expedition he made a profit of 50 per cent., in seven months, after paying 26 per cent. to the company on the value of his cargo. The next year the cost of his license was increased to 40 per cent. and in addition he was compelled to buy his trade-goods from the company, which cost him an extra 3 or 4 per cent. above the market price. He also suffered from being limited to trade only at certain specified places.³ Besides these and other complaints of the excessive cost of licenses, it was alleged that the company had not complied with a provision in its charter, under which all goods imported were to be sold by "inch of candle," *i. e.*, by public auction. In the case of red-wood, sales had been made privately to some three or four favored persons, with the result that this commodity was engrossed and the price of it was three times what it had been formerly.⁴

The first result of the enquiry was that the Parliamentary committee recommended that the trade should be conducted on a joint-stock basis and the company received leave to bring in a bill.⁵ This decision gave rise to further opposition and fresh petitions against the company. Finally in 1697 by the Act 9 and 10 Will. III c. 26 a compromise was effected. The company was continued, but its monopoly was modified so far as to legalize the position of the separate traders, who were to pay the following charges to the company to aid in the maintenance of the forts :

On Outward Voyages.

All goods 10 %

Homeward Voyages.

Gold, silver, negroes nil

Red-wood 5 %

Other goods... 10 %.⁶

¹ *Ibid.*, 131.

² *Ibid.*, 137.

³ *Journals of the House of Commons*, XI. 114.

⁴ *Ibid.*, XI. 287-290.

⁵ *Ibid.*, 542, 592, 622.

⁶ *Statutes*, VIII. 393.

This settlement was to last for thirteen years at least, and the separate traders had the right of establishing factories if they wished to do so. The effect of this arrangement was to render the African trade open to all who would pay the specified charges. The company discharged the duties of a regulated company without the privileges that accompanied them.

Though the separate traders had represented at the enquiry that, failing the formation of a regulated company, they were prepared to pay 5 to 10 per cent. for licenses, they now proceeded to undermine the position of the existing company. After the passing of the act, while the company was raising nearly half a million of nominal capital to equip expeditions, the first ships of the separate traders to reach Africa spread reports that the company was bankrupt and that the assistants were threatened with imprisonment for attempting to sell the forts to the Dutch. They seized several chiefs to ensure larger consignments of slaves for shipment to the plantations. The factors employed by the company were in many instances induced to enter the service of separate traders, and others who did not change masters engaged in private trade.¹

Under such circumstances the trade could not be profitable to the company, and an even greater disadvantage than the hostility of the separate traders arose from the erroneous financial methods of the company which will be explained below.² Having issued stock at as low a price as 12 per £100 in 1697, further capital was obtained subsequently by the issue of bonds—at first from the public and later by an assessment on stock-holders for which scrip was given. Not only so but out of this money borrowed on bond dividends were paid as an "encouragement" to induce members to make further payments. The result was that the amount borrowed on bond, while only one-fourth of the *nominal* capital, actually exceeded the sums paid for that capital at the average of the various prices of issue.³ Taking into account the unsatisfactory condition of the trade, the inevitable result of such vicious finance followed in 1708, when interest on the bonds could no longer be paid.

As a last resort application was made to Parliament at first in 1707 and again in 1709. In the latter year, in view of the nearness of the expiration of the thirteen years mentioned in the Act of 9 and 10 William III., the company petitioned for a fresh settlement on the ground that an open trade had depressed the price of English goods in Africa and raised the price of negroes in America.⁴

¹ *Davenant's Works*, V. 91, 93.

² *Vide infra*, pp. 252-254.

³ *Vide infra*, p. 253.

⁴ *Journals of the House of Commons*, XVI. 64.

This argument (which was similar to that advanced by the East India Company in 1656-1657) was supported by the planters, who gave as reasons for the enhancement of the price of negroes, first that there was excessive competition amongst the shippers in Africa and that therefore the cost price at the port was higher and secondly that owing to the want of skill of the new traders the mortality on the voyage was greater, with the result that the price of slaves in the West Indies was double what it had been before the trade was open.¹ The company, with the optimism of a suitor before a Parliamentary committee, stated that the stock-holders "were willing to advance more sums on their joint-stock."² The other side endeavored to show that the company, owing to its financial embarrassment, was in no position to maintain the present forts or to raise capital to build new ones.³ During the season 1709-1710 the company's trade was only about one-thirteenth of that of the separate traders, as is shown by the following table.

Comparison of Trade of the Company and Separate Traders.⁴

| | Number of Ships. | Value Cargoes. | 10 per cent. thereon. |
|-------------------|------------------|----------------|-----------------------|
| Company, | 3 | £3,944. 2. 6 | £394. 8. 3 |
| Separate Traders, | 44 | £50,005. 12. 6 | £5,000. 11. 3 |

Altogether the company's case did not appear to advantage and on March 31, 1712, it was resolved by a committee of the House of Commons that: (1) The African trade should be open to all British subjects under the management of a regulated company. (2) The forts were to be maintained and enlarged. (3) The cost of such maintenance should be defrayed by a charge on the trade. (4) The plantations should be supplied with negroes at a cheap rate. (5) A considerable stock was needed for carrying on the trade to the best advantage. (6) At least £100,000 value of English goods should be exported annually to Africa.⁵

Naturally the company petitioned against these resolutions, which were intended to form the basis of a fresh bill. The assistants urged that the company had a legal right to their forts, and if this right were denied they claimed the same trial at law as any other corporation to defend their freehold.⁶ After considerable debate the matter dropped; and, as far as the legal position of the company was concerned, no change was made. An act, however, was passed, December 20, 1712, to enable the company to make a

¹ *Ibid.*, XVII. 636.

² *Ibid.*, XVI. 64.

³ *Ibid.*, XVI. 235.

⁴ *Ibid.*, 552.

⁵ *Ibid.*, XVII. 164.

⁶ *Ibid.*, 319.

settlement with its creditors,¹ which legalized the arrangement explained below.² On April 13, 1713, the House of Commons again resolved that the trade should be open, subject to charges for the maintenance of forts, and a bill was brought in to give effect to this resolution, which, after passing the Commons, was rejected by the House of Lords.³

Thus the respective rights of the company and the separate traders remained undetermined. On several occasions Parliament endeavored to effect some improvement, but without success. In 1750 the joint-stock company was dissolved after many further changes of capital, and in 1752 the forts were transferred from the recently created regulated company to the Crown.

THE FINANCE OF THE ROYAL AFRICAN COMPANY.

In the foregoing account of the contest against the exclusive privileges of the company it has been necessary to postpone the consideration of the financial operations of the assistants owing to the complicated nature of the capital account. Going back to the formation of the company in 1672, the preamble or prospectus for subscriptions had mentioned £100,000 as the amount of the proposed capital, but by 1676 the total stock issued was £111,100, at which figure it remained, during the successful years of the company's history, till 1691, when by order of a General Court held on July 30th it was resolved to give a bonus in stock of 300 per cent. to each stock-holder. There is reason to believe that the company had accumulated a considerable reserve out of profits over and above the 10 or 20 guineas per cent. paid annually as dividend.⁴ The assistants in speaking of these early years mention "the great and extraordinary success with which the trade had been carried on."⁵ Houghton, too, stated in 1682 that "the Guinea Company was as safe as the East India Company."⁶ The wording of the resolution for the bonus addition of capital confirms this view of the company's finances at the time. It is expressed in the following terms: "voted, by reason of the great improvements that have been made on the Company's Stock of £111,100 that every £100 adventured be made £400 and that the members have credit given them accordingly."⁷

After the date of this resolution the capital stood at £444,400,

¹ 10 Ann c. 24.

² *Vide infra*, 255-256.

³ MacPherson's *Annals of Commerce*, III. 34.

⁴ Treasury Records, Royal African Co., No. 1455, f. f. 12, 34, No. 1456, f. 1.

⁵ *Memorial on Behalf of the Royal African Co.* (British Museum, 816, m. 11).

⁶ *A Collection of Letters for the Improvement of Husbandry and Trade*, II. 47.

⁷ Treasury Records, as above, f. 14.

of which only about £80,000 had been paid in cash—a part of the stock having been reserved for members and creditors of the old company.

The time for quadrupling the stock was ill-chosen, for on the outbreak of the war immediately afterwards the company sustained great losses. In 1693, capital was required to carry on the trade; and, on March 27th, an issue of £180,850 of stock was made at £40 for the share of £100, bringing in £72,340. This issue came at a time when the price of the stock had been falling. In 1692 the quotation had varied from 52 to 44. In the next year, 1693—that of the issue—during the month of January it varied from 47 to 46; in February and March, previous to the new issue, the quotation was 44; afterwards it fell (March 28–30) to 41, so that the issue-price gave a very small bonus to applicants. The price remained at 41 during the months of April and May. With a few temporary recoveries it fell to 36 at the end of September, reaching 32 early in October, the lowest point of the year. Shortly afterwards there was a recovery to 34, which was maintained in November and December.

The evidence of the Parliamentary enquiry of 1694, in combination with other unfavorable circumstances, still further reduced the market value of the stock—the lowest prices of years 1694, 1695, 1696 and 1697 being 20, 18, 17 and 13 respectively. During these years the company had become considerably indebted and, instead of sending ships to Africa, it had licensed merchants not free of the company at a high royalty. After the compromise of the act of 1697, which, while not providing a satisfactory settlement of the company's legal position, at least settled matters for some years, an attempt was made to raise capital to discharge the most pressing liabilities and to despatch ships. The governor and assistants decided to make a fresh issue of capital. In 1697 the price of the stock had fallen as low as 13 for cash and 16 for payment in bank-notes. It was resolved on October 7 to double the existing capital of £625,250, the new issue being offered at 12 per £100 stock payable by installments of £7 "presently," £3 on April 7, 1698, and £2 on October 7, 1698. Although the issue-price gave a bonus of nearly 10 per cent. only £475,800 stock was taken up which realized £57,096. Thus the total capital after October 7, 1697, stood at £1,101,050.¹

In 1698, according to a report of the Board of Trade, the balance in favor of the company, including ships, stock and debts due (some of the latter being admittedly not good), after deducting lia-

¹ Treasury Papers, No. 1459 f.f. 1, 134. Also an inset leaf in No. 1458, giving particulars of the various issues of stock.

bilities amounted to £189,913.5¹. It is a somewhat curious coincidence that the middle market price of the year, 16, gave a valuation of £176,168 for the £1,101,050 nominal capital, and the highest price, 17, a valuation of £187,178.10.

It will thus be seen that the history of the capitalization of the company is slightly complicated, and from the fact that stock was issued as low as 12 it might be concluded that the shareholders had suffered severely by the reduction of the value of their holdings. It is to be remembered, however, that the total capital of £1,101,050 represented cash payments of £240,536 only (ranking the amount of stock handed over to creditors and shareholders of the old company as cash).² Now taking the four years 1698-1701—being the period intervening between the last issue of share capital and the first floatation of bonds which latter event affected quotations—the mean price was 16 $\frac{3}{8}$ and, therefore, the valuation of the £1,101,050 stock was £180,297. Therefore, at this price, the total investment of £240,536 was valued at £180,297, the loss being £60,239 or only about 25 per cent., while at the highest price for the four years, 24, the market price showed a profit of nearly 10 per cent. The same facts may be expressed in another form. The original £100 stock was converted into £400 stock, without fresh capital being brought in—in other words by the re-arrangement of 1691 £25 of the original subscription commanded £100 of stock—the issues of 1693 and 1697 were made at 40 and 12 respectively, so that taking into account the different amounts subscribed the average issue-price of each £100 stock was about 21.85. The following table shows the position of the stock-holder at this average with some representative quotations:

| | Average of the High and Low Prices of 4 years. | Highest Price, 1698-1701. | Lowest Price, 1698-1701. | Average of the Highest and the Low- est Price. |
|---------------------------------------|---|---------------------------------|-----------------------------|---|
| Stock exchange quotations | 16 $\frac{3}{8}$ | 24 | 12 | 18 |
| Average amount paid per £100 stock . | 21 $\frac{3}{4}$ | 21 $\frac{3}{4}$ | 21 $\frac{3}{4}$ | 21 $\frac{3}{4}$ |
| Gain or loss per £100 stock | -5 $\frac{3}{8}$ | +2 $\frac{1}{4}$ | -9 $\frac{3}{4}$ | -3 $\frac{3}{4}$ |

In 1702, the company being still in want of money, a new method of finance was adopted. At a General Court held on December 15th it was resolved that a call should be made of £6 per cent. on all stock-holders and bonds were to be given for the

¹ British Museum Add. MSS., No. 14,034, f. 104.

² *Vide infra*, p. 257. "Summary of Capital."

amounts paid in response to this assessment. This call represented nearly 50 per cent. of the price paid by persons who had recently purchased stock. Following the same method £7 was called in 1704, £4 in 1707 and £4 in 1708. These calls should have brought in about £230,000 but only £207,098 was paid. By one of the many coincidences in the finance of this company, the total amount of calls (21 per cent.) almost exactly equalled the average issue-price of the stock. Besides these bonds accepted by stock-holders under compulsion, there was due to outsiders, also on bond, over £92,000, making the total debt about £300,000. Thus in 1706 the capital of the company was as follows :

| | |
|------------------------|------------------------|
| Due on bond about..... | £ 300,000 |
| Stock | 1,056,350 ¹ |

Some of the bonds had been issued at a discount of 20 per cent., so that it is probable the actual amount received in cash for the bonds was but little in excess of the amount of capital actually subscribed, the amounts being approximately as below :

| | |
|---|----------|
| Amount realized by issues of bonds, say,..... | £280,000 |
| “ “ “ “ “ capital stock ... | 240,536 |

So far the history of the company had been on the whole unfortunate; it now became little short of dishonest. As an “encouragement” for shareholders to pay these assessments, dividends were declared, and made out of capital. In this way seven dividends were paid from 1702 to 1707 amounting to 4½ per cent. or about £47,500,² so that the assessed stock-holders, while receiving back nearly one-quarter of the principal lent (in the form of dividend on their ordinary stock), were being paid interest on the whole of it. Probably the interest on these bonds was also paid out of capital, so that the stock-holders who advanced money were able to rank as preferred creditors for the whole amount of their bonds after, in some cases, half of the amount had been repaid in the form of interest and dividends !

This mode of finance as well as the pressure of loans generally on the company at a critical period of its history was a more serious hindrance to its prosperity than the losses of the war or the competition of the separate traders. If the increment of capital from undivided profits in 1691 was *bona fide* it had confessedly been lost ;

¹ Treasury Records, Royal African Co., No. 1,488, f. 23. The amount of stock is reduced, owing to forfeitures for non-payment of calls.

² This is calculated on the amount of stock existing in 1706 which was less than that outstanding in 1697, owing to forfeitures for non-payment of calls (see below, “Summary of Capital,” p. 257).

thus the real capital of the company was actually less than the loans for which it was pledged. In 1710 the company presented a valuation of their assets to Parliament in which its quick stock (including debts due, apparently both good and bad) negroes and stock only amounted to £279,555. It is true that the total was swelled to £517,749 by an exaggerated estimate of the dead stock (forts, etc.) at £238,194;¹ but whatever may have been the value of the latter, it is obvious that the bonds were ill-secured both as to principal and interest. Early in 1708 bonds were sold at 84,² and later in the year when interest could no longer be paid, according to one account, the price was as low as 30.³ The embarrassment of the company was reflected in the price of the stock which touched $4\frac{7}{8}$ in 1708 and fell as low as $2\frac{5}{8}$, $2\frac{1}{2}$, $2\frac{1}{8}$, $2\frac{1}{4}$ in the years 1709, 1710, 1711, 1712 respectively—thus at the lowest price the million of capital was valued at no more than £21,500.

Obviously the time for reconstruction had come, indeed the rearrangement of the capital account had been too long delayed. In January, 1709, the governor and assistants had petitioned Parliament for the restoration of the privilege of exclusive trade, and for the next two years this question was under the consideration of the House.⁴ At first there was some difficulty in arranging a reconstruction owing to the necessity of providing fresh capital in a way that would be acceptable to the creditors, who were not willing to take new stock for their debts. The company professed itself ready to raise £500,000 as an additional stock and undertook to write down the existing capital to its present estimated value.⁵

According to an estimate made by the company, the capital required was £1,238,194, of which £238,194 represented the previous value of the dead stock, and the remaining £1,000,000 the existing quick stock augmented by the proposed new subscription.⁶ Under this scheme the valuation of the existing capital would have been much beyond its market price and therefore both the creditors and new subscribers would have been under a distinct disadvantage. Another scheme, about 1710, proposed the formation of a new or reorganized company, consisting of the members of the old, its creditors and new subscribers. The dead stock was to be valued at £150,000 (little more than half the former estimate), and the other

¹ *Journals of the House of Commons*, XVI. 317-319.

² British Museum, Add. Mss. No. 14,034, f. 105.

³ *Journals of the House of Commons*, XVI. 326.

⁴ *Ibid.*, 64.

⁵ *A Short and True Account of the Importance and Necessity of Settling the African Trade* (? 1712, British Museum, 816, m. 11 (12)).

⁶ *The Royal African Company and the Separate Traders agreed*, etc. (British Museum, 8223, e. 11.)

assets were to be taken at the price which they might be expected to fetch in the open market. The total estimated value of all assets on this basis was to be divided equally between the present stockholders and the creditors.¹ Under this proposal it is probable that the creditors would not have been paid in full even in new stock to the amount of their debts and for this and other reasons no more is heard of this scheme. A further obstacle to an equitable reconstruction arose from the speculation that had grown up in the bonds of the company since the suspension of interest in 1708.² There were thus three classes of bondholders to be considered: (a) those who in the successful years of the trade had purchased bonds as an investment; (b) members of the company who by right of such membership had received bonds either at a discount or who having subscribed at par had received back a part of the sums lent in the form of dividends on their stock; (c) speculators who had bought bonds as low as 30 on the chance of payment being made at par or only a slight discount on reconstruction. Obviously the latter class deserved little sympathy but their position was strengthened by the fact that a large proportion of the bonded debt was still held by members of the company, who by their voting rights would exert a large influence on the terms of reconstruction.

Meanwhile the condition of the company's finances had gone from bad to worse. The assistants in 1712 spoke of its difficulties "as being without precedent or parallel."³ It had in fact come to the end of its resources, having "mortgaged both its stock and credit"⁴ and there was no way out of the "labarynth of debt" in which it was involved.⁵ Finally in September, 1712, a reconstruction scheme was at last agreed to which was sanctioned by Act of Parliament.⁶ According to this scheme the capital was to be written down by 90 per cent., thereby reducing it to practically the same amount at which it stood at the formation of the company in 1672. The stock-holders, before receiving stock in the reorganized company, were to pay a call to provide working capital and the money due on bond was to be paid by an issue of new stock to the bondholders at par.⁷ There is some uncertainty as to the amount

¹ *A Proposal agreed unto for the more Effectual Support and carrying on the Trade to Africa.* (British Museum, 816, m. 11.)

² *Some Queries relating to the Present Dispute about the Trade to Africa.* (British Museum, 816, m. 11.)

³ *A Short and True Account of the Necessity of Settling the African Trade.* (British Museum, 816, m. 11.)

⁴ *Ibid.*

⁵ *The Case of the Royal African Company.* (British Museum, 8223, e. 18.)

⁶ 10 Ann. c. 34.

⁷ *A Brief Narrative of the Royal African Company's Proceedings with their Creditors,* pp. 1-3. (British Museum, 8223, e. 30.)

of new stock distributed amongst the members and the rate of the assessment. In the ten years since 1702 there had been a reduction in the capital from £1,101,050 to £1,009,000 through forfeitures for non-payment of calls. This capital of £1,009,000 was exchangeable for new stock at 10 per cent. of its face value. An assessment of 5 per cent. on the old capital or 50 per cent. on the new was made and in this way £50,450 working capital was provided. Thus the total amount of new capital available for the old stock-holders was £151,350.¹ The following are the details in tabular form showing the total capital after reorganization :

Capital Reorganization of 1712.

| | |
|---|----------|
| Old capital of £1,009,000 written down by 90 per cent., | £100,900 |
| Assessment of 50 per cent. thereon, | 50,450 |
| New stock allotted to proprietors, | £151,350 |
| Stock given in exchange for bonds, (about) | 300,000 |
| Total capital after reorganization, | £451,350 |

Previous to the reconstruction the sum of £240,536 actually subscribed for the nominal capital was, at the middle price of January in 1713, *i. e.*, $4\frac{1}{16}$, valued at no more than £40,990 or less than 20 per cent. of the total original subscriptions—in other words the £100 of stock, which cost at average issue-prices $21\frac{3}{4}$, could now be purchased at from $4\frac{1}{4}$ to $3\frac{7}{8}$. To compare these quotations with those prevailing after the reconstruction it is necessary to take account of the estimated amount of the assessment, and, making this allowance, the following comparative results are obtained :

| | | |
|---|---------|--------------------|
| Market value of stock prior to reconstruction as above, | £40,990 | |
| Assessment paid in cash, | 50,450 | Converted into new |
| | £91,440 | stock amounting |
| | | to |
| | | £151,350 |
| | | which was worth at |
| | | 60%, |
| | | 90,810 |

It therefore follows that the first price quoted after the reconstruction, viz., 60, was practically equivalent to the previous one, taking account of the assessment. The middle price of the year 1713, *i. e.*, $52\frac{3}{4}$, showed a decline and the lowest ($45\frac{1}{4}$) a further decrease. In the next year, 1714, the quotation continued to recede, owing to a further call of 25 per cent., for which neither

¹ Treasury Records, Royal African Company, No. 1489, f. 66.

stock nor bonds was given.¹ At this date the capital had been reduced to £402,950, probably through forfeitures for non-payment of the call at the reorganization. According to a statement made at the court meeting when this call was sanctioned, the assets then stood at £405,519.

From 1715 to 1718 the company continued to be unfortunate. The lowest price of each of the four years was only 15 or 16 for the reduced capital, thus repeating those from 1697 to 1700 for the old. A further instance of the ill-luck of the company came in 1720 when an issue of capital, known as the "engrafted stock," was made at a low price, and within a few months the price had risen from 23½ to 185.²

SUMMARY OF THE CAPITAL OF THE ROYAL AFRICAN CO., 1672-1712.

| | Stock. | Cash. |
|---|---------------|--------------|
| 1672. In the reconstruction of the old company its members received stock credited as fully paid, £12,200 | | |
| New members paid for remaining stock at par, £98,900 | £111,100 0 0 | £111,100 0 0 |
| 1691. Bonus addition of 300 per cent. without payment, July 30. | 333,300 0 0 | |
| Totals, 1691, | 444,400 0 0 | 111,100 0 0 |
| 1693. | | |
| Mar. 27. Issue of £180,850 stock at 40, | 180,850 0 0 | 72,340 0 0 |
| Totals 1693, | 625,250 0 0 | 183,440 0 0 |
| 1697, | | |
| Oct. 7. Issue of £475,800 stock at 12, | 475,800 0 0 | 57,096 0 0 |
| Totals, 1697, | 1,101,050 0 0 | 240,536 0 0 |
| 1706, Apr. 9 } Owing to forfeitures for non- | 1,052,550 0 0 | |
| 1706, Jul. 11 } payment of calls total stock | 1,055,650 0 0 | |
| 1706, " 15 } was— | 1,056,350 0 0 | |
| 1712, Sept. 25 | | |
| At this date total stock was | 1,009,000 0 0 | |
| Old stock written down by 90 per cent. and exchanged for new stock under reorganization, £100,900 | | |
| Assessment of 50 per cent. for which stock was given, 50,450 | | 50,450 0 0 |
| New stock assigned to creditors (say) 300,000 | | 280,000 0 0 |
| Total stock after reconstruction, £451,350 | £451,350 0 0 | £570,986 0 0 |

¹ *Proceedings at a General Court Meeting of the Royal African Company, Feb. 18, 1714.* Lond. 1714, British Museum (8223, c. 4).

² Treasury Records, Royal African Co., No. 1743, f. 2.

DIVIDENDS AND PRICES OF STOCK.

| Year. | Prices. ¹ | | | Dividends. ² |
|--------------|--|----------------------------|-----------------------------------|---|
| | Date of Highest Price. | Highest and Lowest Prices. | Date of Lowest Price. | |
| 1672 to 1675 | | | | { I 10 guineas per cent. at 22 ^s equal 11% sterling. II 10 do. equal do. III 10 do. at 21/6 equal 10½% sterling. IV 10 do. do. V 10 do. at do. equal do. |
| 1676 | | | | |
| 1677 | | | | |
| 1678 | | | | |
| 1679 | | | | |
| 1680 | | | | VI 10 do. equal do. |
| 1681 | | | | VII 10 " " |
| 1682 | | | | From 1682 to 1691 inclusive five dividends were paid. ³ |
| 1683 | | | | |
| 1684 | | | | |
| 1685 | | | | |
| 1686 | | | | |
| 1687 | | | | |
| 1688 | | | | |
| 1689 | | | | |
| 1690 | | | | |
| 1691 | | | | |
| 1692 | Jan. | 52-44 | May 9, 16 | XIII 3 per cent. on the new capital equal 12% on the old capital. |
| 1693 | Jan. | 47-32 | Oct. 6 | |
| 1694 | 12, 19 Jan. | 34-20 | Apr. 27, May 3 | |
| 1695 | 9, 16 Jan., 21 Aug., 13 Nov., 11 Dec. | 23-18 | Dec. 20-31 | |
| 1696 | 5 Feb. | 21-17 | Apr. 23, May 20, June 24, Dec. 30 | |
| 1697 | 6 Jan. | 17 } 16 13 ^d | Aug. 25-Dec | |
| 1698 | 24 Aug. | 17-15 | Oct. 5 | |
| 1699 | 4, 11 Jan., 28 Mar., 16 Apr. to 10 May | 16-14 | Sept. 6 | |
| 1700 | 7 Aug. | 24-15 | Jan. 17 | |
| 1701 | 16-30 Apr. | 18-12 | Dec. 17-24 | |
| 1702 | 5, 12 Aug. | 15-11 | Feb. 4, 11; Apr. 29 to June 17 | I ^a ½ per cent. |
| 1703 | 25 Aug. | 22½-12 | Feb. 24 to Mar. 17 | II ^a ½ per cent. |
| 1704 | 15 Dec. | 23½-18 | Oct. 30 | III ^a ½ per cent. |
| 1705 | 8, 17 Jan. | 21½-14¼ | Dec. 5 | { IV ^a ¾ per cent. V ^a ¾ " VI ^a ¾ " VII ^a ¾ " |
| 1706 | 14 June | 17¼-14 | Apr. 24 | |
| 1707 | 8-20 Jan. | 15¼-7¾ | Aug. 15-25 | |
| 1708 | 7 June | 8¾-4¾ | Apr. 14 | |
| 1709 | 7 June | 6-2¾ | Oct. 7 | |
| 1710 | 4 Jan. | 4¼-2½ | Feb. 20 | |
| 1711 | 5 Oct. | 4½-2½ | May 23, July 9-23 | |

DIVIDENDS AND PRICES OF STOCK.—(Continued.)

| Year. | Prices. | | | Dividends. |
|-------|------------------------------------|----------------------------|-----------------------|------------|
| | Date of Highest Price. | Highest and Lowest Prices. | Date of Lowest Price. | |
| 1712 | 11 Jan., 15 Feb., 22 Feb., 7 March | 4¼-2¼ | May 7 | |
| 1713 | 2, 16 Jan. | 4¼-3¾ | Jan. 9 | |

NEW STOCK AFTER REORGANIZATION

| | | | |
|------|------------|--------|----------------------------------|
| 1714 | 2 Feb. | 60-45½ | Dec. 18 |
| | 8 Jan. | 46-22 | Dec. 10-28 |
| 1715 | 8-27 April | 27-15 | July 27-Aug. 22; Sept. 28-Dec. 2 |
| 1716 | 4 Oct. | 30-15 | June 18-Aug. 5 |
| 1717 | 6 Dec. | 22¾-16 | July 5 |
| 1718 | 3-11 Jan. | 22½-16 | June 3-Aug. 29 |
| 1719 | 23 Oct. | 26-23 | Oct. 14 |
| 1720 | 3 June | 85-23½ | Jan. 1-8 |

¹ The prices up to 1703 are taken from Houghton's *Collection for Improvement of Husbandry and Trade*, after that date from the *Postman and Historical Account*, the *Daily Courant* and other newspapers.

² Treasury Records, Royal African Co., No. 1455 (Stock Journal), No. 1678 (Minute Book of Assistants).

³ There are no Stock or Court Books in existence for these years.

⁴ 13 for cash, 16 in "Bank Money."

W. R. SCOTT.

THE PLANTATION TYPE OF COLONY

INASMUCH as the various colonial governments in America were different in form and appearance, and inasmuch as the government of any one colony sometimes altered in form as time went on, writers and teachers have shown a tendency to dwell upon these dissimilarities and to emphasize their presence as throwing light on the evolution of the American state. Whether this manner of treating our history, if fairly done, be right or wrong, it certainly brings difficulties to the student who takes up the constitutional side of colonial development, for it obscures as well as illumines. More grateful, sometimes, is the discovery of similar institutions and conditions. Approaching the subject from this side, the effort must be to emphasize the features that are common. If, for example, it be possible to show that the earliest settlements in Virginia, New England and New Netherland had common, but distinctive, features which mark them as different from later colonial forms, then it is permissible to use these features as descriptive of a form of community that may be called typical. This form would stand as the earliest practical model of colonial effort. Such a type would conveniently aid analysis and comparison at the beginning of colonial history. If, with this step taken, it be possible to go still further and to point out that this special type reproduced itself all through colonial history, even though in modified forms, then another step has been taken and the original type stands forth as a concept that touches the whole colonial period. Like the biologist's concept of a "genus" it may be a standard for testing and grouping allied forms.

The conditions at Jamestown from 1610 onward give the earliest illustration of a colonial community which can be used as the type of a persistent form. The English settlements at Jamestown and Sagadahoc before 1610 were both tentative and undisciplined efforts ending in abandonment. But when Lord Delaware turned back the fugitives who had fled from Jamestown in 1610 and re-established the colony, he began a period marked by better management and more definite aims. The Jamestown colony, as maintained by Delaware and his deputies, had the following characteristics; absence of private property, agriculture as industrial basis, union of pro-

prietorship with jurisdiction, government for economic ends chiefly, and discretionary administration. The absence of private property is the most striking feature, perhaps, of this colony. Under the charter the soil of Virginia was given by the crown to the Virginia Company and held by the company at its own disposal. Houses were built upon the soil, and garden-plots were assigned¹ to colonists, but there was nothing of permanence in the possession so given, and private property in land was thus absent. The labor of the colonists was pledged to the company for a term of years, being at the disposal of the company's governor in return for maintenance and future dividends.² While the word "servant" is seldom applied to the company's colonists, probably because they were technically stock-holders, nevertheless they were really hired employees and treated as such. It is true, then, that private property in labor was absent. Cattle were constantly sent to Virginia by the company.³ Necessarily they were cared for by colonists, but they seem to have remained company property.⁴ Sandys calls them happily "the goods of the Company, for the service of the public."⁵ The produce of the colonists' labor, when exported, was the property of the company and sold for its benefit. Economic conditions indicate the colony as like a private estate. Two other facts are pertinent; colonists had no right to export for themselves,⁶ they had no right of residence if the colonial governor thought fit to deport them, nor right to depart if the governor were unwilling that they should do so.⁷

Agriculture was the basic industry of colonial life, because no other source of food supply was as convenient and reliable as that of the tilled field. The other sources of supply were Indian trade, fishing and English aid, but none of these was as important as agriculture. The historical importance of agriculture lies in its moulding influence upon colonial life. In Virginia especially, the rise of tobacco-culture was notable, but even before the first tobacco-crop the value of land as a means for agricultural effort was leading the colonists on to progressive steps of great significance. The tillage

¹ Force, *Tracts*, I. "New Life of Virginia," p. 14.

² For terms given colonists: Force, *Tracts*, I. "Nova Britannia," 23-24; also Brown, *Genesis of the United States*, I. 249, 253, 426. For management of labor: Force, *Tracts*, III. "True Declaration," p. 20, and "Laws Divine," pp. 15-16; also Brown, *Genesis*, I. 491-493.

³ Force, *Tracts*, I. "New Life of Virginia," p. 12; "Nova Britannia," p. 23.

⁴ Force, *Tracts*, III. "Laws Divine," p. 15, shows control by company.

⁵ Brown, *The First Republic in America*, 225.

⁶ Free trade began 1618. Brown, *First Republic*, 259.

⁷ Free migration was granted by 1617. Brown, *Genesis*, II. 798.

done in Virginia before 1610 seems to have been unsystematic. The union of economic proprietorship and political jurisdiction was the third characteristic feature of Jamestown colony. The company held both political and economic control over the colony and exercised both without separation, by giving them into the hands of the governor whom it set over the colony. But while the company possessed both political and economic powers, its chief interest lay with the latter. The fact that government was for economic ends chiefly is another characteristic. That there were altruistic ideas like conversion of savages and relief of paupers attached to dreams of development need not be forgotten, but the practical ruling motive of action is plainly commercial. Hence the contrast between the early colony and its later form. The proprietors worked and hoped for returning cargoes of marketable products, while the colonial governor busied himself to plant crops, control his workmen, buy furs, husband supplies and scheme for new sources of wealth.¹ The earliest colonial history is distinctly economic. Discretionary administration was also characteristic of the earliest colonies. Given a body of men needing to be held sternly to uncongenial work, and the necessity of a strong hand in control is apparent. At Jamestown the governor had absolute power.² Nominally the colonists had a right to vote as stock-holders at company meetings, but there is no record of proxies from them, and by neither royal charter nor company grant were they given any power against the company's governor. This gave the governor full discretionary power, exercised with the advice of a council chosen by himself.

At New Plymouth colony conditions similar to those at Jamestown existed. The colonists here were offered, and, after hesitation, accepted terms like those of the Virginia colonists. The lands of the colony belonged undividedly to a group of persons vaguely described as "John Pierce and his associates," under which term were included some London merchants and also such colonists as might be duly enrolled with them as partners. Unlike the Virginia Company, they held no charter although organized as a joint-stock company. Under the terms given the colonists, the latter were to settle on the land which the partners held from the New England Council, pledging their labor for a term of years, receiving meanwhile, from the common treasury, houses, food and clothing, and in return sending the London men such products as they could.³ Obviously, these conditions left no room for individual property. In this

¹ Brown, *Genesis*, I. 385, 415, 491-493.

² *Ibid.*, I. 376-383, also II. 801.

³ Bradford's *History "of Plimoth Plantation"* (ed. 1898), 56-58.

colony agriculture took its place as the industry on which colonial life depended most. Fishing and fur-trade were developed, it is true, but to the colonists themselves the importance and necessity of tillage were clear,¹ and their earliest disagreement with the London partners was caused by their demand for land of their own.² Union of jurisdiction with proprietorship existed at New Plymouth also by virtue of the patent from the New England Council.³ There was no separation of the two in colonial administration. Colonial government was carried on for economic purposes, the governor being responsible to the London partners and occupied in overseeing labor and supplies.⁴ The last feature of those enumerated was present, though not in the absolute form adopted in Virginia. At New Plymouth the governor, although an officer charged with the interests of European investors, was nevertheless elected to his place by the colonists. His elective tenure seems not, however, to have prevented him from wielding discretionary power,⁵ unchecked by local statutes or immunities of any sort.

New Netherland was first settled with posts of fur-traders, but until 1624 there is no evidence of family life or of systematic agriculture in the colony and, therefore, no hint of permanent settlement. After 1624, when the West India Company sent over actual agricultural colonists, the history of New Netherland shows some likeness to that of the English colonies. The details of the first ten years after 1624 are very obscure, but such positive and negative evidence as exists points clearly to a type of colony like that of Jamestown in its essential characteristics. As to land-ownership, it is clear that the company bought Manhattan Island for itself in 1626 and removed to it the scattered colonists previously sent over, that six farms were laid out, which seem to have been company property at first and were certainly so some years later, and that there is no reference to private land holding on Manhattan before 1636.⁶ As to labor, it is certain that a considerable part of the colonists were employees of the company.⁷ There is no definite

¹ *Ibid.*, 162.

² *Ibid.*, 58.

³ Massachusetts Historical Society, *Collections*, Fourth Series, Vol. II.

⁴ *History "of Plimoth Plantation,"* 129, 133-135, 139, 191.

⁵ *Ibid.*, 133-135, 151, etc.

⁶ Scattered hints on land in *N. Y. Col. Docs.*, I. 37, in *Doc. Hist. of N. Y.*, III. 28, 31, 32, in *N. Y. Hist. Soc. Coll.*, 2d S., II. 345. While there is no positive evidence against private holdings before 1636, the conditions are such as to throw the burden of proof upon those who might claim their existence. It is unlikely that private holdings should exist during 1627-1636 without some current or retrospective reference to them.

⁷ *Doc. Hist. of N. Y.*, III. 30; *N. Y. Col. Docs.*, I. 181, 296, II. 765; *Force, Tracts*, II. "Planters Plea," 27-28.

statement extant as to the terms given colonists, but various hints show that they were transported by the company, paid wages after their arrival, and furnished with some amount of supplies.¹ These hired colonists were not members of the West India Company.² The company also sent over cattle, which were cared for by colonists, and yet, apparently, remained the property of the company.³ Such facts as these show that the proprietors of New Netherland were bent on establishing an agricultural community on Manhattan Island. The governor whom they sent over to manage their interests lived at Manhattan and managed both the local affairs and the more distant work of the fur-trading stations. As in the English colonies, the company held both jurisdiction and proprietorship.

The three earlier colonies thus show the dominance of the economic motive over the political. The problems of the early governors were those of commerce rather than of statecraft, and the colonies themselves must be considered essentially unlike their own later forms when the political phase of government became more developed. Englishmen of the colonial period called the American settlements "plantations," and that word is a convenient one for designating the earliest type of colonial experiment. A definition may be made. The "plantation type" of colony is that form of settlement which showed in its structure the economic motive in its completest form; or, the typical form of a plantation was that of an economic unity, based upon agriculture, under an exclusive local government which combined political jurisdiction with the powers of economic proprietorship. Since a type is only a standard of measurement for classification, it is not essential that it should actually exist, but the plantation type as here described did exist at two, probably three, separated points.

The plantation type had but a short existence in those places where it appeared, a change being wrought by the appearance of private property in land. Obviously the plantation was no longer an economic unity when the immediate control of tillage passed out of the hands of the plantation proprietors. Only political unity remained. The appearance of private property was always the beginning of a change that ceased not until the economic control of the proprietors was swallowed up. In the Virginia colony the altera-

¹ *Col. Docs.*, I. 181, II. 768; *Doc. Hist. of N. Y.*, III. 30.

² They had, consequently, no promise of future dividends like English colonists. In later years, and probably from the beginning, the West India Company kept an account with each employee, crediting with regular wages, and debiting with supplies and transportation. The account could be completely closed at any time.

³ *Doc. Hist. of N. Y.*, III. 25, 26; *N. Y. Hist. Soc. Coll.*, 2d S., III. 89; *N. Y. Col. Docs.*, XIV. 5, 6, 19.

tion of the plantation type can be roughly traced in the time of Dale and Argall. The change seems to have begun in 1614 when Dale allotted small tracts to some of the colonists on a formal tenure involving quit-rent and one month of labor in each year.¹ These tracts passed to private tillage, and before the close of the year there were eighty-one of these farms in the colony.¹ Whether this idea was Dale's own, or the result of English orders, is not clear. Up to this time the colony had cost the proprietors about 500,000 dollars² without any balance of profit, and Dale's move seemed intended to make the colony self-supporting. The new policy was popular in Virginia. In 1617, when Argall came, the number of tenant-farmers on the company land outnumbered those bound to regular service.³ Apparently acting under instructions, Argall did more to destroy the old system on the company's plantation by selling the cattle to private owners.⁴ A year later he reported that the land under cultivation was completely exhausted,⁵ and some hints indicate that he stopped entirely the work on the company's farms.⁶ Thus within five years the colonial governors were evidently shifting off from the company the burden, as it had proved to be, of managing a plantation. There yet remained various tracts to the company, worked by colonists whom they sent over, but the Jamestown plantation was parcelled out to private interests. The proclamation of 1619 may perhaps be called its final ending.⁷

The plantation at New Plymouth had a shorter lease of unity than that at Jamestown. Discouraged by recurring ill-luck the London proprietors, upon whom rested the burden of maintenance, failed to send their people adequate support. Governor Bradford met the emergency in 1623 by assigning tracts on yearly tenure with economic independence for each possessor. In the same year the London partners sent over free planters for the first time, and their number was increased somewhat by an emancipation of discontented colonists.⁸ By the close of 1623 the New Plymouth colony had reached the same point to which Jamestown had come in 1616, that is to say, it contained private interests and free labor based upon a very weak land-tenure. In this condition the colony remained for a time, while the London partners made some futile

¹ Brown, *First Republic*, 205, 227, 229.

² *Ibid.*, 432.

³ *Ibid.*, 253.

⁴ *Ibid.*, 258, 279.

⁵ *Ibid.*, 260.

⁶ *Ibid.*, 277.

⁷ *Ibid.*, 287.

⁸ Changes of 1623 in *History "of Plimoth Plantation,"* 162, 201, 171, 178, 188.

efforts toward support. Finally, when the London men were \$7,000 in debt and weary of it all,¹ the colonists offered to buy them out and the bargain was struck. Smith said in 1624 that about \$35,000 had been sunk in the experiment.² While this was far less than the cost of Jamestown, it was enough to stamp the venture as a business failure. By the deed of sale to the colonists the powers of the London men over the colony were transferred. The American proprietors thereupon divided up the occupied land and the cattle among themselves,³ and the plantation placed itself upon a basis of recognized individualism. The colonists retained the political power, however, as a common interest and it continued to be exercised by the colonial governors whom they chose at the annual elections. At New Plymouth as at Jamestown the story of the colony shows proprietary losses, temporary installation of private interests, and the absorption of the proprietors' improved property by the holders of private interests.

In the Dutch colony at Manhattan the effort to make plantation work profitable proved as unsuccessful as in the English settlements, apparently.⁴ Such profit as came to the West India Company through New Netherland was from the fur-trade. In 1629 the company issued the Articles of Freedoms and Exemptions, which offered privileges to owners of private plantations and to individual free planters.⁵ Under these articles the private plantation of Pavonia was settled on the west side of the Hudson, but otherwise there seem to have been no results in the Manhattan region from the concessions of 1629. Not until 1636 is there any evidence of private land-holding on or near the Manhattan purchase. In that year certain Indian grants of farms on Long Island were validated and a grant is said to have been made of land on Manhattan Island itself.⁶ These acts are the earliest recorded alteration of the dimly indicated economic unity of the plantation. The creation of free farms on Long Island brought under the local management of Manhattan some persons who were politically subordinate to but economically independent of the company, and who had a recognized attachment to the soil. About the same time that private interests in land were beginning, the director of the colony was selecting or leasing the cattle of the company, and allowing the company farms

Ibid., 240-241.

¹ Arber, *Capt. John Smith*, 783, 943.

² *History "of Plimoth Plantation,"* 259; Plymouth Records, XI. 4.

³ *N. Y. Col. Docs.*, I. 40, 65, 84, 181; *New Eng. Reg.*, XI. 70.

⁴ Article 21 relates to free planters. *N. Y. Col. Docs.*, II. 556.

⁵ *N. Y. Col. Docs.*, XIV. 2-4; Brodhead, *History of the State of New York*, I. 266.

to be turned from tillage to pasture.¹ Director Van Twiller, under whom these incidents occurred, was superseded in 1638 by Director Kieft. In his first year of control some orders were issued for the control of the company's men and the recall of company property,² but the growth of private interests was encouraged. It was Kieft who created a mass of tenantry on Manhattan Island by granting lands on quit-rent, first by specific instrument and then by general order.³ The grants made during Kieft's first two years included leases of the company farms, of its saw-mill and smithy,⁴ showing the completeness of the growth of individualism. Apparently the Manhattan agricultural settlement had passed through the same cycle of change as Jamestown and New Plymouth, although its progress is far more obscure.

The summing up of these repeated examples of plantation change must be, at the best, unsatisfactory, because of the lack of full details, but there seems to be a logical course of events. The first step was doubtless the appearance of the free laborer on the plantation, whose presence was due, not to free immigration, but to the expiration of service. Many colonists went back to Europe when their terms expired, but others preferred the free frontier life. The next step may have been a demand for private tracts at a time when absentee farming was felt to be a failure. The third step was perhaps the knowledge that private enterprise could pay more toll to the proprietors than the proprietors could win for themselves by direct plantation effort. It may fairly be said that the collapse of proprietary effort was closely connected with the rise of the free planter. Perhaps John Locke showed a touch of shrewd foresight when he wished to make the colonists of Carolina a class doomed to perpetual service.

About the same time that the plantation colonies transformed themselves, another alteration of conditions took place in each colony, which emphasized the transition of colonial government from economic motives to political. This was the differentiation of colony government from local government. The governments of the early plantation colonies had in them the elements of both local and general control, managing as they did the actual interests of single small settlements and yet holding the powers necessary for governing the whole region in which a settlement lay. At first these colonial governments were essentially local in nature.

¹ *N. Y. Col. Docs.*, XIV. 5-6, 19; *N. Y. Hist. Soc. Coll.*, 2d S., I. 279.

² O'Callaghan, *Laws and Ordinances*, 17-18, 20.

³ *N. Y. Col. Docs.*, XIV. 6, 9-10.

⁴ *N. Y. Col. Docs.*, XIV. 7, 21-23, 26; *Calendar Dutch MSS.*, 11.

When settlements multiplied, the extensive powers of the several executives, which had been possessed from the beginning, were utilized to enforce political unity. The change brought no break in the sequence of colonial administration. The word "colony" merely took on a broader meaning than before, while "plantation" remained what it had been, a local community subject to colonial government. The plantation type is therefore the ancestor of the older colonial and state governments by direct derivation.

But the plantation type begins not only the development of colonial government but that of local government as well, for as agricultural settlements multiplied beyond the first simple establishments, the various features of the plantation type reappeared in the new communities. Usually these features were more or less modified in their extent and completeness, but still they were characteristic, and their presence marks off broadly a certain large group of local governments as radically different in nature from the local communities of the present time. In this group are included the privileged plantations of Virginia, the manors of several colonies, the patroonships of New Netherland and many of the New England towns. The kinship of these places to the plantation type is plain. They were based upon agricultural organization. There were in each a measure of economic unity, a combination of jurisdiction with powers of proprietorship, and some use of civil administration for economic ends. This group of modified forms includes also such settlements as that of the Massachusetts Bay Company, which, like early Jamestown, was both plantation and colony, but which was not of the pure plantation type. An evolution went on in these modified forms in much the same way as it had in the first colonial plantations. Sometimes the course of events stripped away the jurisdictional side of a settlement and allowed it to fall back into a mere personal estate, but more often the economic side was given up and the community developed into a political entity with only political powers.

The differentiation of colonial and local government in Virginia began with the settlement of Henrico in 1611 as a plantation like Jamestown, belonging to the Virginia Company. In 1613, the Bermuda plantation was organized by Dale. It was, apparently, a co-operative or corporate plantation composed of company employees pledged to three years of service and holding some sort of political privileges.¹ In 1617 other modified forms of the plantation type were created by the locating of private plantations upon lands granted by the company. Virginia was the first colony to develop

¹ Brown, *First Republic*, 194, 210, 240.

subordinate plantations. In 1620 the peculiar corporate form was adopted for another plantation organized for Virginia, but oddly cast upon New England shores instead. The self-government of New Plymouth was an anomaly in colonial settlement, which needs more explanation than has yet been given.¹ Normally the plantation governor should have been sent over from London.

The development of modified forms in New England was accompanied by much apparent confusion, because the various small settlements were left to follow their own courses without general supervision. The New England Council always intended to establish a general colonial government over New England, making it a unity like Virginia, but the council was too poor to carry out the idea. Owing to this plan, the various settlements which were founded under the council's patents were considered to be subordinate plantations. Hence the variety in the forms of settlement, some having jurisdiction, as New Plymouth, Wessagusset, Massachusetts Bay and Piscataqua, while others had no civil power whatever. Hence also the varied results visible after the plantation efforts had collapsed, as the most of them did. Out of the ruins of plantation efforts arose a modified form of remarkable vitality, that is to say, the New England town. In its completest form it was a corporate plantation, with combined powers of jurisdiction and proprietorship, and a small measure of economic unity.

In New Netherland the modified forms of the plantation type appeared in 1630, when private settlements were organized under the provisions of the Articles of Freedoms and Exemptions. Of the three patroonships established, Swanendael was destroyed by Indians, and Pavonia was united to the Manhattan plantation, but Rensselaerwyck, on the Hudson River, kept an almost independent existence for many years. Other patroonships were created at a later date and New Netherland had several forms of local government. The tenant rights of the Rensselaerwyck property endured to make trouble for the New York government until the middle of the nineteenth century.

What was the original source of the plantation type which appeared in America is an interesting question. There is a tempting analogy between the plantation type in America and the manor

¹ Bradford curiously fails to tell of any agreement as to government. Robinson's letter, *Hist. "of Plim. Plant.,"* p. 81, shows that the concession preceded the voyage. The Mayflower compact was probably a temporary device. Smith says in 1624 (Arber, *Smith*, p. 782) that the Plymouth men received council and directions from the London partners but no commands. Queries arise in connection with the particulars' agreement (*Hist. "of Plim. Plant.,"* 177), Lyford's complaint against exclusion (p. 217), and the partners' complaint (p. 238).

type in Europe. Both are based upon the ideas of economic unity and proprietary jurisdiction,¹ and some resemblances may be traced in the manner of working. In some cases there is clear evidence that the Old World manor was copied in modified forms of the plantation type. This is true of the Maryland manors, in certain Virginia plantations, in the patroonships of New Netherland and in Gorges's settlement in Maine. Feudal ideas are plain in the charters of Calvert, Plowden, Gorges and the Carolina grantees. Nevertheless, this does not prove that Jamestown or New Plymouth or Manhattan were copies of manors either in their forms or in their workings. The question is an open one.

L. D. Scisco.

¹ Note the charge that Pierce intended to make the New Plymouth settlement a manor, in *Hist. "of Plim. Plant."* 167-168.

THE STATE OF FRANKLIN

IN the history of the American frontier there have been repeated instances of the settlers' themselves taking the initiative in the erection of local governments. Of these governments, formed by absolutely no other authority than that of the people directly concerned, perhaps the most noteworthy is that of the state of Franklin. It was maintained for about three years against the authority of the parent state, North Carolina. The movement could not justly be called a rebellion, however, as it was not begun till after the settlers thought themselves abandoned and left without any government. Seven years before, they had gladly given up their first independent association and accepted the authority of North Carolina.

This first government, or "Watauga government," as it was called, was formed in 1772. The first settlers, who had crossed the mountains and established themselves along the Holston, Watauga, and other streams of what is now eastern Tennessee, found themselves beyond the influence of the laws of North Carolina, within whose territorial limits this region was included. In this situation they easily and naturally organized a government for themselves, passed laws, and put them into force quite independently of any outside influence. In doing so they merely carried a little further the principles of the North Carolina Regulators, with which they were doubtless familiar. In another aspect their situation and their action were quite similar to those of the Pilgrim Fathers. The Watauga government was in operation — quite successful operation, so far as we know — for five years, when at the request of the settlers themselves the North Carolina government was extended over them. Laws were passed to confirm marriages and other acts requiring state sanction. So the Wataugans easily became North Carolinians. Other communities of that region went through a similar political experience.¹ It was not strange that these backwoodsmen, after their experience with independent government, should easily revert to it when in their opinion their interests demanded it. It has been suggested that the example of Ver-

¹ For a fuller description of the Watauga, Cumberland, and Clarksville associations see Turner, "Western State Making in the Revolutionary Era," in *AMERICAN HISTORICAL REVIEW*, Oct., 1895.

mont, maintaining her independence successfully against the states of New York and New Hampshire, was the cause of the Franklin movement.¹ Vermont's action may have had some influence on the Franklin leaders, although there is no direct evidence of it. Moreover, considering the character and experience of these frontiersmen it would seem that only an occasion was necessary to make them take the step they did.

The occasion was furnished by an act of the North Carolina general assembly by which her territory west of the mountains was ceded to Congress. This was in response to a request by that body that all states claiming lands beyond the Alleghanies should give them up to help defray the expenses of the Revolutionary War. Congress had just passed the ordinance containing the so-called Jefferson plan for the division and organization of the west into new states.² One of the rectangular states of that plan included most of the territory occupied by the settlers whom we are considering. Not only did it seem to them that their statehood was assured by the action of Congress and of North Carolina, but they were made to feel that at least some prominent North Carolinians were glad to get rid of them for personal reasons. It was reported that when the cession bill was before the North Carolina general assembly, and the members from the transmontane counties were pleading to be continued as a part of the state, prominent members from the older counties said that the Western people were the offscourings of the earth and they would be well rid of them.³ The delegates from the four western counties carried the news of the cession to their constituents. Two years had been allowed Congress in which to accept the territory. This was made much of, while the correlative declaration, that it should remain under North Carolina's jurisdiction until so accepted, was disregarded. The standing and well-grounded complaints of North Carolina's excessive and unjust taxation and her inadequate judicial and military provision for the west influenced many in favor of the new state scheme. So for various reasons there was a large party ready to embark upon it.

A committee composed of two members from each captain's company proposed an election of delegates from Washington, Sullivan, Greene, and Davidson counties, who should meet in convention at Jonesborough with power to adopt such measures as they

¹ Moore, *Hist. of North Carolina*, I. 364.

² For a discussion of Congressional action along this line see the writer's "Evolution of the American System of Forming and Admitting New States into the Union," in *Annals of the American Academy of Political and Social Science*, Nov., 1901.

³ Franklin general assembly in Address to Governor Martin, *Pennsylvania Packet*, Nov. 21, 1785.

might deem advisable. An election was held in all but Davidson county, and the first convention met Aug. 23, 1784. John Sevier was made president, and Landon Carter secretary.¹ This convention adopted the report of a committee,—that they had an undeniable right to petition Congress to accept North Carolina's cession and "to countenance us in forming ourselves into a separate government, and either to frame a permanent or temporary constitution, agreeably to a resolve of Congress." They show their expectation of incorporating the neighboring settlements of Virginia by announcing that "When any contiguous part of Virginia shall make application to join this Association, after they are legally permitted, either by the state of Virginia or other power having cognizance thereof,² it is our opinion that they may be received and enjoy the same privileges that we do, may or shall enjoy." It was further decided that "one or more persons ought to be sent to represent our situation in the Congress of the United States, and this convention has just right and authority to prescribe a regular mode for his support."³ The vote stood 28 to 15 in favor of forming into a separate and distinct state "at this time." There is evidence that Sevier himself was opposed to the movement at first. He wrote to Joseph Martin that he was "Draged into the franklin measures by a large number of the people of this Country."⁴ The lack of harmony was particularly manifest in the second convention, called for the purpose of drawing up a constitution. It did not meet till November, 1784, several weeks after the time set for it, and then broke up in confusion.

Meanwhile, before Congress had had an opportunity to accept North Carolina's western territory the act of cession was repealed by the North Carolina general assembly. In the act of repeal the reason therefor is given as follows :

That the cession, so intended, was made in full confidence that the whole expense of the Indian expeditions and militia aids to the states of South Carolina and Georgia should pass to account in our quota of the continental expenses in the late war ; and also that the other states holding western territory would make similar cessions, and that all the states

¹ For a sketch of what the four conventions accomplished see Ramsey, *Annals of Tennessee*, 286 ff.; also Haywood, *History of Tennessee*, 137 ff. For a general account of the state of Franklin, particularly in reference to relations with the Indians, see President Roosevelt's *Winning of the West*, III. ch. iv.

² In view of the reference to the resolve of Congress just above, the "other power" is plainly Congress itself, to whom, in the opinion of the mountaineers, North Carolina had ceded their territory. President Roosevelt (*Winning of the West*, III. 157) is hardly warranted in concluding from this phrase that they "ignored the doctrine of State Sovereignty."

³ Committee report in Rev. S. Houston MSS., quoted by Ramsey, *Annals of Tennessee*, 287.

⁴ *Calendar of Virginia State Papers*, IV. 416.

would unanimously grant imposts of five per cent as a common fund for the discharge of the federal debt; and whereas the states of Massachusetts and Connecticut, after accepting the cessions of New York and Virginia, have since put in claims for a large part of that territory, all the above expected measures for constituting a substantial common fund have been either frustrated or delayed.

The party opposed to the organization of the new state was strengthened by further action of the North Carolina general assembly. The western counties were formed into a superior court district with an assistant superior court judge, and a brigadier-general of militia was created. In view of these concessions John Sevier made a speech against forming a new state, even when the election to the third convention was in progress. This convention met, however, December 14, 1784, and provided that a general assembly should be elected under the North Carolina election law, and should put the new government into operation at once. It also proposed a written constitution for the new state. The Reverend Samuel Houston was an influential member of this convention from Washington county, and in a preface to a proposed constitution which he advocated has well sketched the history of constitution-making in Franklin, as follows:

In December 1784, at Jonesborough in this state, a Convention was held, and having agreed to a Constitution, recommended and held it out to the people for their consideration, signifying to the people, that before the expiration of one year they should choose a Convention, for the express purpose of adopting it in the name of the people, or altering it, as instructed by them; which is attested by the Resolve itself, and a Resolve of the Assembly which sat August 1786.

Well, accordingly, the late Convention met at Greeneville, November the 14th, 1785; and from different parts of the State, the people laid in instructions, which shewed that there was a great diversity and contrariety of sentiments amongst them. However, the Convention, after some debate, agreed to appoint a Committee of their members, who should prepare a Form of Government to lay before the whole Convention, that it might be examined, altered, amended, and added to, as the majority should think proper; and thus be perfected and finished in as accurate a manner as the united wisdom of members of the Convention could do.

After the Committee retired, the first thing of account they agreed upon, was, to proceed upon business by taking the Constitution of North Carolina for their groundwork or foundation, and together with it, all political helps that the thirteen Constitutions, the instructions of the people, and any other quarter might afford, to prepare a report to lay before the Convention. In this manner the Committee proceeded, adhering strictly to the groundwork, viz., North Carolina Constitution, retaining of it whatever appeared suitable, and to it collected pieces out of their other political helps, till they had just conformed their plan, that it might be laid before the whole Convention, that, as has been said, it might be examined, altered, amended, and added to, as the majority should think best.

The whole house having met, the Report of the Committee was laid before them, and rejected in the lump; in consequence of which, the whole house took up the North Carolina Constitution, and hastily reading it off, approved of it in the general, whilst the friends of the Report of the Committee strove to introduce, but all in vain, some material parts of their plan, viz., a single house of Legislation, equal and adequate representation, the exclusion of attorneys from the Assembly, etc., and failing in these most important points, by the unanimous consent of the whole Convention, obtained leave to enter upon the Journals, their dissent to what had been carried in Convention, and also to hold out to the people, for their consideration, the Report of the Committee.¹

It was the constitution reported by this committee that Samuel Houston advocated. He circulated printed copies with his preface—all to no purpose however, as the people were satisfied with the North Carolina constitution as adopted by the convention.

Under the North Carolina law providing for a brigadier-general of militia for the western counties John Sevier was appointed to the office. It does not seem likely that he knew of it when, at the election of the third convention, he made his speech against the new state movement. At any rate, in view of his subsequent action this appointment cannot be given as the cause of his opposition. The facts that he had already served North Carolina in different public capacities, was a prominent King's Mountain hero, and was without doubt the leading man in the region, are quite sufficient to explain his appointment to that important office.

Colonel Joseph Martin, agent to the Cherokee Indians for the states of North Carolina and Virginia,² was, in his official capacity, naturally against the new state, although he evidently had a good deal of sympathy with it. Arthur Campbell, the county lieutenant and a justice of Washington county in Virginia, charged him in a letter to the governor with being chosen "at his own solicitation one of the Privy Council for the State of Frankland." But this was indignantly denied by Martin. In a letter to Governor Henry he admitted that the Franklin assembly had elected him to their privy council, but declared that "no Earthly thing shall prevail on me to neglect my duty as Agent for the State of Virga. so long as I have the honour to fill that office," and that he was "in Every Sence of the word against a New State."³ It is from his reports, however,

¹ This preface and constitution are printed in *The American Historical Magazine*, I. 50.

² He was a candidate for appointment by Congress as Indian commissioner for the entire southern department. See certificate of Governor Alex. Martin, dated April 16, 1785, that "Colonel Joseph Martin hath been appointed Agent to the Cherokee nation of Indians by this State for some years past"; also his request of Governor Patrick Henry for a similar certificate, that the two might be forwarded to Congress to further his candidacy. *Calendar of Virginia State Papers*, IV. 24 and 25.

³ For this correspondence see *Calendar of Virginia State Papers*, IV. 31 and 53.

that we get some of our information about the "New State." He seems to have been on different occasions a sort of go-between in much of the controversy between Sevier and Governor Martin of North Carolina. At the beginning of it, shortly after the repeal of the act of cession, he wrote to Sevier as follows:

The Honorable John Sevier Esq., Brigadier General Washington Dst.

Dear Sir. Decem^r the 31st 1784

I left Governor Martins the 19th Instant he informed me that Maj^r outlaw was sent forward near four weeks ago with some dispatches to you inclosing your Generals Commission with a number of other papers . . . he informed me the first business that the assemble Did was to repeal the Cession bill—before Congress Could meet to accept it . . . as you have formed a Government heere I must beg that you will inform me whither you will persist or let it lay over untill you Can be Better informed.¹

But it was not allowed to lie over. The first general assembly of the state of Frankland, as it was then called, met early in 1785 and proceeded to organize the new government. A full set of officers was chosen, including John Sevier as governor. He accepted this office in spite of his appointment as brigadier-general of the district by the North Carolina government. The definite launching of the new government called forth the following letter from Governor Martin, addressed to "Brigadier General Saveez" [meaning Sevier]:

DANBURY, the 27th of Feb. 1785

Sir

With some concern I have heard that the counties² of Washington, Sullivan, and Greene, have lately declared themselves independent of the state of North Carolina, and have chosen you governor; that you have accepted the same, and are now acting with a number of officers under the authority of the new government.

As I wish to have full and proper information on this subject, major Samuel Henderson waits upon you with this, by whom you will please to transmit me an account of the late proceedings of the people, relative to the above, in the western country, that I may have it in my power to communicate the same to the general assembly. The general discontent that prevailed through the state at the late cession act, and the sense of Congress to make the state no retaliation for the same, caused the assembly to repeal that act, by a large majority, and to convince the people of the western country, that the state still retained her affection for them, was not desirous to part with so respectable a body of citizens, in the present situation of affairs, attempted to render government as easy as possible, by erecting a new superior court district, creating a brigadier general of the militia, and an assistant judge of the said superior court, which was, in short, redressing every grievance, and removing every obstacle that called for a separation, and which the legislature were

¹ Draper Colls., King's Mountain MSS., XI. Library Wis. Hist. Soc.

taught to believe, from one of the members of that dist., would give full satisfaction.

It has also been suggested that the Indian goods are to be seized, and the commissioners arrested, when they arrive on the business of the treaty, as infringing on powers of your new government, for which they are stopped. I shall not proceed with the commissioners, until we are assured how far the militia of Washington are to be relied on for guards in concluding of the treaty, whom alone I designed to call upon to attend this duty. You will also please inform me respecting the proclamations, to remove all intruders on the Indians land, and what is done in Hubart's case, of which I wrote you by colonel Martin.

In the meanwhile,

I am with respect

Your most humble servant

ALEX. MARTIN.¹

In the reply to Governor Martin the Franklin general assembly presented an admirable statement of the Franklin case against North Carolina. It is found in the *Pennsylvania Packet* of May 21, 1785, and is worth quoting in full as follows :

Sir,

Your letter of the 27th of February, directed to brigadier general Saveez, favored by major Henderson, was laid before the general assembly of the state of Franklin, by the governor : we therefore think it our duty to communicate to you, the sense of the people of this state, and observe your excellency's candor in informing us that the reason North Carolina repealed the cession act, was, because the sense of Congress was to allow the state of North Carolina nothing for the land ceded ; the truth of that assertion we will not undertake to determine — but we humbly conceive, the terms on which Congress was empowered to accept the cession, was fully expressed in the cession act itself ; and consequently every reason existed for not passing that act, that could have existed for the repeal ; except that of doing justice to the United States in general ; who, upon every principle of natural justice, are equally entitled to the land that has been conquered by our joint efforts : and we humbly thank North Carolina for every sentiment of regard she has for us, but are sorry to observe, that as it is founded upon principles of interest, as is apparent from the tenor of your letter, we are doubtful, when the cause ceases which is the basis of that affection, we shall lose your esteem.

Reflect, sir, upon the language of some of the most eminent members in the general assembly of North Carolina at your last spring session, when the members from the western country were supplicating to be continued a part of your state : were not these their epithets, "The inhabitants of the western country are the off-scourings of the earth ; fugitives from justice ; and we will be rid of them at any rate." The members of the western country, upon hearing these unjust reproaches and being convinced it was the intention of the general assembly to deprive them

¹ *Pennsylvania Packet*, May 21, 1785. The question regarding Hubart, who had murdered an Indian, was a pertinent one, as he had been elected member of the Franklin assembly. See Joseph Martin to Patrick Henry, *Calendar of Virginia State Papers*, IV. 18.

of any further protection, consulted each other and concluded it was best to appear reconciled with the measure, in order to obtain the best terms they could, and was not surprised to see North Carolina, immediately on passing the act of cession, enter into a resolve, to stop the goods that they, by act of the general assembly, had promised to give the Indians, for the lands they had taken from them, and sold for the use of the state.

The inadequate allowance made the judges who were appointed to attend the courts of criminal jurisdiction, and who had to travel over the mountains, amounted to a prohibition as to the administration of justice in this quarter: and although the judge appointed on this side the mountains, might, from the regard he had to the administration of justice in the county of Cumberland, have held a court there, yet, as your excellency said, to grant him a commission agreeable to the act of general assembly, he could not have performed that service, had he been ever so desirous of doing it.

The people of the western country found themselves taxed to support government, while they were deprived of all the blessings of it; not to mention the injustice done them in taxing their land that lay five hundred miles from trade, equal to lands of the same quality, on the sea shore. The frequent murders committed by the Indians on our frontiers, have compelled us to fall upon some plan for our own defence. How far North Carolina has been accessory to those murders, we will not pretend to say. We know she took the land the Indians cleared—promised to pay them for it—and again resolved not to do it; and that in consequence of that resolve the goods were stopped.

You say it has been suggested that the goods your state promised the Indians, are to be stopped, and the commissioners arrested when they arrive on the business of the treaty. We are happy to inform you that that suggestion is false, groundless, and without the least foundation; and we are certain you cannot pretend to fault us, that your state stopped the goods by a resolve of the general assembly in violation of the act for granting them to the Indians: and if your state is determined to evade their promise to the Indians, we intreat you, not to lay the blame upon us, who are entirely innocent, and determined to remain so.

It is true we have declared ourselves an independent state, and pledged our honours, confirmed by solemn oath, to support, maintain, and defend the same. But we had not the most distant idea that we should have incurred the least displeasure from North Carolina, who compelled us to the measure; and to convince her that we still retain our affection for her, the first law we enacted, was to confirm all and every right granted under the laws of North Carolina; and have placed them on the same footing in every respect, as if we had not declared ourselves an independent state; hath patronized her constitutional laws—and hope for her assistance and influence in Congress, for hastening our reception into the foederal union. Should our hopes be blasted, we are determined never to desert that independence which we are bound by every tie of honor and religion, to support.

We are induced to think North Carolina will not blame us for endeavoring to promote our own interest and happiness, while we do not attempt to abridge her's, and appeal to an impartial world to determine, whether we have deserted North Carolina or North Carolina deserted us? You will please lay these our sentiments before the general assembly of your state, and beg leave to assure them, that should they ever stand in need of our assistance, we shall be always ready to render them every service

in our power, and hope to find the same sentiments prevailing in them towards us.

Your very humble servants

LANDON CARTER, S. S.

WILLIAM CAGE, S. C.

By order of both houses of the general assembly.

THOMAS TALBOT, C. S.

THOMAS CHAPMAN, C. C.

To his Excellency Alexander Martin, Esq.
Governor of the state of North Carolina.

Meanwhile, as his letter to Sevier had been unavailing, "Gov. Martin published a long manifesto opposed to the measure of the government of Frankland and using some threats in case the new authority was not given up."¹ In order to get his proclamation distributed among the people whom he intended it should influence, he sent it to Colonel John Tipton, a prominent opponent of the new state scheme, and bitter rival of John Sevier.

In the letter accompanying it he referred to Tipton's "Endeavors to prevent the late rash, and unwarrantable Measures of the people of the Counties of Washington, Sullivan, and Greene," and asked him to make the proclamation public through his "county, and elsewhere, it may be necessary by dispersing Copys thereof." In conclusion he thanked him for the "attempts he had already made to discountenance the lawless proceedings of his neighbors" and suggested that "they would not be unnoticed by the Legislature."² The circulation of this document does not appear to have had much effect upon the situation. According to one report it "was ingeniously answered by two different hands and afterwards held in much derision."³ It was moreover met by the counter proclamation of Governor Sevier, issued May 15, 1785. He charged that its object was "to create sedition and stir up insurrection amongst the good citizens of this state, thinking thereby to destroy that peace and tranquility that so greatly abounds amongst the peaceful citizens of this new happy country." He refers to the effective work of the backwoodsmen in the battle of King's Mountain and points out the ingratitude of North Carolinians, who "first invited to this separation" and "if in their power would now bring down ruin and destruction on that part of their late citizens, that all the world well know, saved the present state out of the hands of their enemy,

¹ *Maryland Gazette*, Oct. 11, 1785, quoting a letter from Richmond. Draper Colls., Newspaper Extracts, III.

² Governor Martin to Colonel John Tipton, Draper Colls., King's Mountain MSS., XI.

³ Richmond letter in *Maryland Gazette*, Oct. 11, 1785, Draper Colls., Newspaper Extracts, III.

and saved her from impending ruin." He closes by "strictly enjoining and requiring all and every the good citizens of this state, as they will answer the same at their peril, to be obedient and conformable to the laws thereof."¹

While the issue between the new and the parent state was thus squarely presented, the new government was assuming and exercising actual jurisdiction. A man in Washington county, Virginia, wrote June 1, 1785, that "the New society or State called Franklin has already put off its infant habit, and seems to step forward with a florid, healthy constitution; it wants only the paternal guardianship of Congress for a short period, to entitle it to be admitted with eclat, as a member of the Federal Government. Here the genuine Republican! here the real whig will find a safe asylum, a comfortable retreat among those modern Franks, the hardy mountain men!"²

The paternal guardianship of Congress had been particularly desired by the Franklinites from the beginning. It was closely connected with their idea of independence, which was the independence of a state in the Federal Union. Their plan in the beginning was to send one or more persons to "represent their situation" in Congress and to bear their petition that that body accept North Carolina's cession and give them "countenance in forming a separate government." William Cocke was chosen delegate, and was reported to have been "greatly satisfied with his reception."³

Although some influence was brought to bear to secure further land cessions to Congress, and although some members showed a decided sympathy for the new state,⁴ nothing was done to give it official recognition. Cocke later sent an appeal to Benjamin Franklin asking for advice.⁵ That experienced statesman in his reply expressed appreciation of the honor of having his name adopted by the new state which he had hitherto supposed was called Frankland, but advised his friends not to persist in their plan of separation from North Carolina at that time. In the spring of 1787 Governor Sevier himself wrote to Franklin, outlining the whole history of the movement, and asking him, if he thinks the cause laudable, "to write on the subject." He said Franklin's former letter had not been received, but if one should be directed in "care of the governor of Georgia it would come safe."⁶

¹ Governor Sevier's entire proclamation may be found in *Pennsylvania Packet*, Aug. 9, 1785.

² *Maryland Gazette*, Oct. 11, 1785, Draper Colls., Newspaper Extracts, III.

³ William Grayson to Governor Randolph, *Calendar of Virginia State Papers*, IV. 296.

⁴ Cocke to Franklin, *Works of Franklin*, X. 260.

⁵ *Works of Franklin*, X. 290.

While these efforts were being made to secure recognition by Congress and to enlist the support of prominent men in the other states, plans were being made to increase the numbers and extend the territory of the new state. We have noted part of the resolution of the first Franklin convention contemplating annexation of a "contiguous part of Virginia." There was quite a party in Washington county, Virginia, ready to join any movement that would free them from Virginia rule. Some account of their leaders, particularly Colonel Arthur Campbell, justice of the peace and county lieutenant, is worth giving not only to show their relation to the Franklin movement but also to show the temper of the frontiersmen and their readiness to throw off their state allegiance and embark on new government schemes.

The chief complaint of these people in 1785 was excessive taxation. Colonel Campbell declared that two million dollars more than was due had been taken already from the citizens of the county, and that they should insist on that sum's being accounted for before submitting to any further taxation. When some one urged in a public meeting that "the people Ought to pay the half Tax then Cal'd for, . . . Colo. Campbell Immediately replied, truly the Gentleman preaches up to You Passive Obedience and non-Resistance." On the same occasion it was announced that "the Sheriff would take Beef Cattle for the Collection, to make it Easy on those who Could not rais Money to pay their Taxes. Some of the people replied the would take up arms before the would pay Their Tax. Colo Campbell Instantly replied, he liked such Men, who would take up arms Rather than Submit to so unjust a Tax." When they were threatened with the military power of Virginia, he said "he could assure them there was no danger from that quarter. They would get assistance enough, especially from the Northern States, for they were groaning under their burthens, and wished for some way to extricate themselves." He added "that he could never think to live happy under such a Government, nor die in peace to leave his children under such Government ; for his part, he had rather fight till he lost the last drop of his blood."¹

Reports of the disloyalty of the county lieutenant of course reached headquarters and he was called to account for it in several letters from the governor. In his reply Colonel Campbell, after saying that the Whig interest "seemed to rest satisfied that an ami-

¹ Sworn depositions of General William Russell, James Montgomery, and others to the same effect, prepared for Arthur Campbell's trial for misconduct in office, also letters of the same import from some half dozen different men to Governor Henry. *Calendar of Virginia State Papers*, IV. 45, *et passim*.

cable and enlightened Administration would pave the way " for a redress of grievances, plunged directly into the new state questions. His words on this subject are worth quoting as coming from the man who was at this time the leader of the new state movement in his region. He wrote as follows :

We are told (but it is only from report) that we have offended government on account of our sentiments being favourable to a new State, and our looking forward for a separation. If such a disposition is criminal, I confess there is not a few in this County to whom guilt may be imputed, and to many respectable characters in other Counties on the Western Waters. If we wish for a separation it is on account of grievances that daily become more and more intolerable ; it is from a hope that another mode of governing will make us more useful than we now are to the general Confederacy, or ever can be, whilst so connected. But why can blame fall on us when our aim is to conduct measures in an orderly manner, and strictly consistant with the Constitution. . . . But, sir, why may we not take courage and say we are right when adverting to our own Constitution, to the different Acts of Congress, that of different Legislatures, the opinions of the first statesmen in America, among whom we can number an illustrious Commander, a great Lawyer and Judge in this State, and a Governor of Virginia himself.¹

All this might seem to indicate that another new state was in contemplation rather than an addition to the state of Franklin ; but such was not the case. Campbell had regarded the Franklin movement as hasty, and had expressed the opinion that the mountaineers should have waited for some encouragement from Congress before setting up an independent state. But after it had been done he thought it would be best for the people on the western waters of Virginia to join the Franklinites ; and " the sooner the better," said he, " or we need not expect to share equal advantages with them." The settlers of these parts of Virginia and North Carolina had acted together in the war of the Revolution, and there were economic as well as political reasons why they should now be bound together into a single state. The people of western Virginia sent two petitions to Congress asking to be formed into a new state, and proposing boundaries which included the Franklin settlements. They wanted the Jefferson plan of 1784 so modified as to allow this.

Virginia, determined to check the movement, passed an act in the fall of 1785 by which it was made high treason to erect an independent government within her limits unless authorized by the assembly. This seems to have been effectual. The Franklin people must have been much disappointed at not gaining the addition of these parts of Virginia. They had hoped that with this accession they would be strong enough to secure recognition by Congress

¹ *Ibid.*, 44.

and admission to the Federal Union.¹ But there seems to have been no public attempt to secure an addition of any part of Virginia's territory without her consent. Governor Sevier emphasized this in a letter to Governor Henry, saying, "we will on no account Encourage any part of The people of your state to join us, nor will we receive any of them unless by Consent of your state."² There seems to have been no discussion of a union with any part of Virginia after the fall of 1785.

In the spring of 1785 it was reported that a project of quite a different character was on foot, with the object of getting an accession of population and territory toward the south. It was nothing less than the incorporation of the Cherokee Indians into the new state—something decidedly exceptional in United States history. Difficulties had been expected when Governor Martin, alleging the defection of the Western people as the reason, refused to deliver goods promised to the Indians for their land or to hold any treaty with them. A little later he reported that "the Greatest part of the Cherokee and Creek Indians are for warr, occassioned by the State of Franklyn passing an Act to Extend their Boundary . . . without Holding any Treaty with them."³ Colonel Joseph Martin thought that if the Westerners should proceed with their new state movement it would involve the whole country in a general Indian war. The next report was that the Cherokees were likely to be incorporated in the state of Franklin and send delegates to her general assembly. What there was at the bottom of the report we cannot say. We have it from at least three different sources, letters dated May and June, 1785. Arthur Campbell wrote to Governor Henry that Governor Sevier was then "treating with the Cherokees with a view to an incorporation."⁴ A "gentleman in Washington" wrote that "The executive of the State of Franklin has lately concluded a treaty of amity and perpetual friendship with the Cherokee Indians, and a negociation is on foot to give that nation a representation in the new legislation."⁵ The *Maryland Gazette* (Oct. 11, 1785), published an "Extract of a letter from Caswell County, in the State of Frankland," whose author said: "A negociation is on foot with the Cherokees, and the aim will be to incorporate them and make them useful citizens. I dare say this project will startle

¹ Joseph Martin thought this was their reason for trying to get Virginia towns to join them. Joseph Martin to Governor Henry, *Calendar of Virginia State Papers*, IV. 54.

² *Calendar of Virginia State Papers*, IV. 43.

³ Joseph Martin to Governor Henry, *Calendar of Virginia State Papers*, IV. 18.

⁴ *Calendar of Virginia State Papers*, IV. 32.

⁵ *Pennsylvania Packet*, Aug. 6, 1785.

your rigid sectaries;—but you, we expect, will be more liberal, when it manifestly appears that the interests of humanity and of our new society will be promoted."¹ No evidence appears to show whether the Indians declined to be made useful citizens in this way, or the Franklin leaders changed their minds about it. Perhaps the latter feared that to unite with the Indians would prejudice their cause in the other states, where their character was already impeached by some. Governor Sevier even thought it incumbent upon him to write to Governor Henry, "we hope soon to convince them all that we are not a banditti, but a people who mean to do right as far as our knowledge will lead us."² Afterwards the Franklin government had considerable trouble with the Indians, and made an agreement with the friendly state of Georgia to furnish 1,500 men for a joint expedition against them.³ Governor Sevier found occasion to bring into play all his ability as an Indian fighter.

It will be remembered that the Franklin government was established early in 1785 by a general assembly elected under the North Carolina election law. This assembly did a good deal of business. Among other things it organized the counties of Caswell, Severn, Spencer, Wayne, and Blunt,⁴ adding them to the original three. It appears to have remained in session through the spring and summer of 1785, and only dissolved on the eve of the meeting of the fourth state convention. Many of its acts were of course criticised. Party differences existing among the people were sure to find expression upon most governmental measures. One optimistic Franklinite, speaking of the contentions then existing, wrote that it might give uneasiness to some, but he found it "had a powerful influence to set on foot free enquiry, and to bring about surprising advances in political knowledge." "This will be found useful," said he, "in forming the manners of a people; and I am not without hopes that the next generation in Frankland will vie with Athens itself." The proposed constitution then before the people was another subject for dispute. The fourth convention was authorized to modify, accept, or reject it. About the first thing done when it met, Nov. 14, was to reject it. A more satisfactory one was drawn up with the constitution of North Carolina as a basis. In this connection a decision was made regarding the name for the new state. Up to this time it seems to have been called Frankland or Franklin indifferently. Now it was officially christened Franklin.

¹ Draper Colls., Newspaper Extracts, III.

² *Calendar of Virginia State Papers*, IV. 43.

³ Major Elholm's letter. Draper Colls., Newspaper Extracts, III.

⁴ Thus in the *Pennsylvania Packet*, January 5, 1786. Possibly for Blount or Blunt.

In the summer of 1785, Governor Martin's administration having expired, North Carolina's attitude seemed more friendly.¹ An amicable settlement with the parent state seemed probable. Indeed Governor Martin himself had hinted at a formal and legal separation when he admonished the western men to remain loyal to North Carolina "until the consent of the legislature be fully and constitutionally had for a separate sovereignty and jurisdiction." Again he is reported to have suggested that negotiations be opened for a division of the back lands with North Carolina without the interference of Congress, and that a liberal compact might "be formed and their separation recognized constitutionally."² North Carolina appeared to object to the organization of the new state, simply because its organization had been effected without authorization. Even the North Carolina constitution, adopted in 1776, recognized that there might be "the Establishment of one or more governments westward of this State by the consent of the Legislature."³ So it would seem that with "a very friendly overture" from "Governor Caswell and some others, the first characters in that state," the outlook was promising for a peaceful settlement with North Carolina. The executive was but the servant of the legislature, however. Under a new election law passed in Nov., 1785, some members of the North Carolina general assembly were elected from Franklin counties by North Carolina partizans. This was the first interference with Franklin jurisdiction.⁴ In the session of Nov., 1786, North Carolina decided to reassume sovereignty and jurisdiction over the transmontane counties at once. It looked as though there would have to be submission or an armed conflict. In the hope of averting both, Governor Sevier "in Council" wrote a letter to the governor of North Carolina, in June, 1787, and sent it to him by Major Elholm, special commissioner from the state of Franklin. "We are unwilling and exceedingly sorry to think," he wrote, "that any violent measures should be made use of against any of our sister states, especially the one that gave us existence, though it now wishes to annihilate; and what occasions us excruciating pain is that perhaps we may be driven to the unparalleled necessity of defending our rights and liberties against those who, not long since, we have fought, bled and toiled together with, in the common cause of American Independence—otherwise become the ridicule of the whole world." "It is not the sword that can intimidate us,"

¹ Franklin letter dated Aug. 17, 1785, in *Pennsylvania Packet*, Sept. 30, 1785.

² Arthur Campbell to Governor Henry. *Calendar of Virginia State Papers*, IV. 32.

³ N. C. Const., Art. XXV. *Colonial Records of North Carolina*, X. 1005.

⁴ Sevier to B. Franklin. *Works of Franklin*, X. 290.

he added. "The rectitude of our cause, our local situation, together with the spirited alertness of our countrymen in such cases, would inflame us with confidence of success." Recalling the assistance rendered North Carolina by frontiersmen in the Revolutionary War, he asked the governor and through him the whole state government "to be pleased to afford the State of Franklin your countenance in promoting the interest of our infant republic; and reconciling matters between us and the parent state."¹ This plea availed nothing, however. In the same region where Franklin officers acted for their state another set of officers attempted to maintain the authority of North Carolina, and with some success. Conflicts were of course inevitable, but it is remarkable that they were so few. Many of the people took advantage of the situation, particularly in the matter of tax paying, professing to be uncertain which was the rightful authority and so paying no taxes at all. To make matters worse there was the then common frontier difficulty of scarcity of specie. This was remedied by fixing currency values to such articles as "good clean beaver," raccoon, fox, and deer skins, linen, bacon, tallow, and "good whiskey." Salaries of state officers were fixed in this money toward the last. The governor was allowed 1,000 deerskins, while his secretary had 500 raccoon skins. A justice received four muskrat skins for signing a warrant, while the constable was allowed one mink skin for serving it.²

In the last year of its existence, when there seemed to be no hope of recognition by Congress or favorable consideration by North Carolina, some of the Franklinites allowed themselves to hope that the Federal Convention at Philadelphia might do something for them. They thought it might undertake to settle their difficulties. It could be done, wrote one of them, by investing Congress with "power to have a deed executed to them for the Territory ceded by the State of North Carolina on the 2d of June, 1784." Their argument was that "Congress were in possession of the act of cession of said state at the time it was repealed; and also that it could not with propriety be repealed, as the time Congress had to consider of and accept the Territory so ceded was one of the stipulations of the said act."³ If an attempt had been made to get the convention to act in this way on the strength of this argument, probably there would have been some interesting discussion involving important

¹ *Historical Review and Directory of N. Am.*, II. Draper Colls., Newspaper Extracts, III.

² Act of Franklin general assembly, quoted in *Maryland Journal*, March 3, 1789. By the terms of the law itself it was to go into effect Jan. 1, 1789.

³ "Writer from the state of Franklin," in *Maryland Journal*, July 27, 1787, Draper Colls., Newspaper Extracts, III.

principles at the basis of Federal relations. But the constitution makers had no time to take up the claims of the North Carolina mountaineers, even if they had considered it wise to do so. In spite of the fact that the United States gave no recognition in any way to the state of Franklin and did absolutely nothing for it during the whole period of its existence, no official Franklin document and no letter written by a Franklin citizen, so far as we have been able to discover, breathed the slightest complaint against the Federal Government. Loyalty to the American Union was characteristic of them all. The influence of the frontiersmen upon the development of the national spirit in the last century and a quarter of American history is not sufficiently understood.¹ As the frontier has swept from the Alleghany Mountains to the Pacific Ocean and the backwoodsmen have founded state after state they have always been strong in their attachment to the Union. The founders of Franklin, which might be called the first western state, showed their consideration for the Federal Government in practical ways, if we may credit the accounts that have come down to us. We can easily believe the "writer from the state of Franklin" whose letter was published in the *Maryland Journal* in July, 1787. He wrote: "They have opened an office in the State of Franklin for the disposal of the lands given up to them by the Cherokee tribe. . . . The money arising from the sale of the said lands is to be reserved in the Treasury for the express purpose of paying their quota of the Federal Debt, as they are all friends to the Federal Government if they can enjoy it." We may well question whether much money was actually laid aside for the Federal debt, but it does not seem doubtful that such was the intention.

The new commonwealth was not backward in considering the distinctive interests of the west. The *Maryland Journal* reported the sending of "two Deputies to Kentucky to meet a Convention of all the western settlements for the purpose of consulting on proper measures respecting the navigation of the Mississippi." At another time the aggressions of the Spanish from the Floridas and Louisiana received vigorous consideration, especially when it was reported "from undoubted authority that many of their citizens had been deprived of their lives, liberties and property, within the jurisdiction of the United States, by persons acting under the authority of his Catholic Majesty's government." The *Maryland Journal* credited the news "from the State of Franklin" that their "Assembly, as the Fathers of the people, thinking it their indispensable

¹ See Turner's "The Significance of the Frontier in American History," *Report of the American Historical Association*, 1893, p. 199.

duty to put a stop to all further depredations, have passed a law which provides for a body of 1500 men, to be immediately enlisted as regular troops for three years, to be embodied in one Legion and to be commanded by a General of experience. . . . They will be in readiness to march this month and mean to thrash (by the Divine Blessing) those perfidious Castilians into a better conduct towards the people of the United States."

This is wrong!

Whether troops were actually raised for operation against the Spanish we cannot tell. Soon the Franklin government had all it could do to maintain itself. Colonel Tipton had been invested with North Carolina authority, and with the resident North Carolina partizans was doing all he could to overthrow the Franklin government. The wonder is that there was not more blood shed than there was, considering the whole situation. The Tiptonites, as they were called, and the Franklinites were in arms against each other, and the former succeeded two or three times in getting possession of Jonesborough. In spite of these and other conflicts there seems to have been but one sanguinary engagement, when perhaps ten men were killed. Sevier and his party had been surprised early in the morning and compelled to retire so hastily that the governor's boots were left behind. General Russell in describing the results of the battle at the time wrote: "twelve are dead of their wounds and the Governor seen 15 miles from home barefooted. The last account says both parties are raising more men: how it may end God only knows."¹ It ended peaceably, however, shortly after this—with the close of Sevier's term of office. His friend Joseph Martin had been made brigadier-general of North Carolina militia, and in order to avoid an armed conflict wrote him a friendly letter on March 21, 1788. Within a week Sevier replied that he considered himself "under obligations to any friend" for "interposition in time of Distress," but assured him that he considered himself "justly authorized" to do all that he had done for Franklin "from the laws of North Carolina, which State is the author of all these disturbances." "I have been faithfull," he wrote, "and my own breast acquits myself that I have acted no part but what has been Consistent with honor and justice, tempered with Clemency and mercy. How far our pretended patriots have supported me as their pretended chiefe magistrate, I leave the world at large to Judge. I never meant to spill blood on the occasion to the latest period of my time in office, Tho' unfortunately for some, it has been the case, But contrary to my orders. . . . I am now a private citizen

¹ *Maryland Journal*, Apr. 8, 1788. Draper Colls., Newspaper Extracts, III. General Russell's letter is dated March 9, 1788.

some time since. I have supported the authority of Franklin during my continuance in office, and if the People have not spirit enough to support it farther, I shall not concern myself more than to secure my person and friends from the hands of Ruffins and assassins." ¹ In response to another letter from General Martin, Sevier wrote, April 3: "I have just now been Hon'd with your letter with respect to an accommodation of our unhappy disturbances. I am ready to suspend all kind of hostilities and Prosecutions on our part, and bury into total Oblivion all past conduct. If you and the officers under your command will accede to the like measures Until the Rising of the next North Carolina Assembly, and be guided by the deliberations of that body, peace and Order may immediately take place." ² A few days after this General Martin wrote to Governor Randolph: "I returned last evening from Green Co. Washington district, North Carolina, after a tower through that Co'ntry, and am happy to inform your Excellency that the late unhappy dispute between the state of North Carolina and the pretended State of Franklin is subsided. . . . I have met with some Difficulty in settling the dispute, and flatter myself that it is affected." ³ On April 12 Arthur Campbell wrote to Governor Randolph, "The commotions in what was called Franklin has subsided, and Mr. Sevier is elected a Member for the North Carolina Convention." ⁴ Surely at this time the state of Franklin was no more.

Of the many schemes for forming new governments west of the Alleghany Mountains ⁵ none up to this time had reached the development attained by this state, formed by the pioneers themselves, and maintained for three years against the indifference or avowed opposition of the old states. Its history is perhaps the best illustration that can be given of the political conditions existing on the American frontier prior to the adoption of the Constitution. It may be that the scenes described above would have been repeated again and again all along the frontier, with perhaps not always the same outcome, if Congress had not been enabled to provide a better system.

GEORGE HENRY ALDEN.

¹ *Calendar of Virginia State Papers*, IV. 416.

² *Calendar of Virginia State Papers*, IV. 421.

³ *Calendar of Virginia State Papers*, IV. 432.

⁴ *Calendar of Virginia State Papers*, IV. 424. The convention referred to was the one which rejected the Constitution of the United States, to Sevier's disgust.

⁵ For a number of those plans see the writer's "New Governments West of the Alleghanies before 1780." *Bulletin of the Univ. of Wis., Historical Series*, II., No. 1.

AN UNPUBLISHED MANUSCRIPT ON THE RISING OF 1647-1648 IN NAPLES

PROBABLY no episode of comparatively local importance in the middle of the seventeenth century was productive of more contemporary literature in more different languages than the rising of 1647-1648 in Naples. A considerable part of this literature is from the pens of eye-witnesses and participants in these stirring scenes, and is, therefore, of the greatest value in forming a correct estimate of the principal actors in the rising. A special interest attaches to the narrative of Giuseppe Donzelli, Baron of Digliola. His *Partenope Liberata, Parte Prima*,¹ was the first account of the revolution and bears the imprimatur of Gennaro Annese, accompanied by the special sanction of the Duc de Guise. It was published in February, 1648, though it bears the date of 1647 on the title-page, and therefore saw the light before the Spanish power was restored and the incidents of the insurrection were at an end. Donzelli was on the point of publishing Part II., when an order from the magistrate forbade the printing of further copies of Part I.; and an effort was made to destroy all that had been already issued.² As a result of this action this book has become exceedingly rare, and has not been accessible to some investigators of the rising.³

Doctor Giuseppe Donzelli, Baron of Digliola, was perhaps better known to his contemporaries as a learned physician and chemist than as a literary man. Born in 1596, he established his reputation by the invention of a sort of medicinal potion and stimulant, of which he made considerable use.⁴ He published many scientific

¹ *Partenope Liberata ovvero Racconto dell' Heroica Risoluzione Fatta dal Popolo di Napoli per Sottrarsi con Tutto il Regno dall' Insoportabil Giogo delli Spagnuoli Parte Prima*. Naples, 1647.

² Soria, Francesantonio, *Memorie Storico-Critiche degli Storici Napolitani*. 2 Vols., Naples, 1781-1782. I., 214.

³ Vogt, quoted by Soria, in his catalogue of rare books, mentions having sought anxiously everywhere for a copy, without finding one. Soria likewise counts it among the rare books. Grifio, also quoted by Soria, says: "It is rarer on this account because the writer indulged in bitter invective against the Spaniards, which made it difficult to publish it again."—Soria, Vol. I., p. 215.

⁴ Orloff, Gregoire, le Comte, *Mémoires Historiques, Politiques et Littéraires sur le Royaume de Naples, publié avec des Notes et Additions* par Amaury Duval. 5 vols. Paris, 1819-1821. Vol. IV., p. 329.

treatises, one of which, entitled *Teatro Farmaceutico, Dogmatico e Spargirico*, first published in 1661, is said to have passed through twenty-two editions. His other scientific works bear such titles as *Synopsis de Opobalsamo Orientali et de Theriaca*, which was published in Naples in 1640, and *Antidotario Napoletano di Nuovo Reformato e Corretto*, also published in Naples in 1649. He was also a member of the Academy of the Discordanti.

Judging from the introduction to the published portion of his book,¹ Donzelli was not only a zealous partizan of the people's cause, but an ardent admirer of the Duc de Guise. These facts lend a special interest to the manuscript portion of his work.

The manuscript of *Partenope Liberata*, Part II., now in the Cornell University Library at Ithaca, N. Y., contains 120 quarto pages. It is a copy of another, itself a copy, which was preserved in the library of Baron Domenico Ronchi at Naples. This manuscript in the possession of Baron Ronchi was sold in 1814, and fell into the hands of the Duke of Cassano, Luigi Sarra. The date of the Cornell Library copy is difficult to determine. It is written in script on heavy linen paper resembling parchment and is bound in boards. It commences with the words: "Doppo cavalcato per la Città con grandissima allegrezza del popolo, il Duca," etc., and ends: "E questo e il termine delle discordie civile, e straniere di Napoli, e del regno, che si sollevarono, e fecero grandissimi danni, che lingua humana ci vorrebbe per raccontarlo." But few copies of the *Partenope Liberata*, Part II., are in existence. Bartolommeo Capasso, who undoubtedly owned several manuscripts describing the insurrection and examined many others in the libraries of Naples, does not mention it in his elaborate bibliographical introduction to the *Casa e Famiglia di Masaniello*.² His silence, however, may be accounted for by the nature of his monograph, which has to do with Masaniello. Of the many secondary writers on the revolution, Mielle³ in his edition of the *Mémoires du Comte de Modène* is the only one to mention the existence of a Part II. and he is simply following Soria.⁴ The latter speaks of a "manuscript of the two parts" in the possession of the Prince of Tarsia, and refers the reader to the catalogue of his library. But as Soria's book was published in 1781, this copy may not be in existence to-day, or if in existence, may be

¹ Donzelli, Preface, p. 6.

² Capasso, Bartolommeo, *La Casa e la Famiglia di Masaniello: Ricordi della Storia e della Vita Napolitana nel Secolo XVII*. Naples, 1893.

³ Modène, Esprit de Raimond de Mormoiron, Comte de, *Mémoires sur la Révolution de Naples de 1647*. 3^e ed. publié par J. B. Mielle. 2 vols. Paris, 1827. Vol. I. contains bibliography.

⁴ Soria, Vol. I., p. 215.

inaccessible to the investigator. The Cornell University Library, then, has one of the very few copies, if not the only one, of this unique chronicle, which Donzelli meant to be a continuation of his earlier work. Had it not been for the government restriction, this too might have seen the light, and Part I. might have had a happier fate.

The concluding words of the preface to Part I. cannot fail to arouse the reader's curiosity as to the contents of the unpublished portion: "In the second part (the end of which will show how well suited its title of *Partenope Liberata*) I promise you events much more strange. Read and marvel."¹ As it begins with the arrival of the duke in Naples, it is natural to expect that it will be filled with fulsome praise of his hero. Either Donzelli's attitude changed by the time he approached the task of describing his hero's exploits, or he desired to follow a middle course in narrating the events, especially in view of the many changes in the political situation. The book cannot be called the work of a vehement partizan. The author speaks of the dissatisfaction of the people with the duke's actions, but in general does not comment on it, either to justify or to oppose their verdict. He is perhaps inclined to spare Annese, especially where he describes the hostility manifested by Annese to the duke and the underhanded means employed for the latter's overthrow. Here would be an excellent opportunity to place himself on one side or the other, but again he refrains from favorable or adverse comment. He rarely speaks of the Duc de Guise, the Comte de Modène, or the other actors to praise or to blame; he leaves that to the reader; nor does he, in short, have any thesis to maintain as to the causes or results of the events he describes. Perhaps his enthusiasm waned as he saw the popular cause decline; or again his failure to fulfil his original purpose, so dear to his heart, of describing the liberation of Partenope from the hated Spaniards, accounts for the entire absence of party spirit. The decidedly impersonal character of the book, so unlike the majority of the accounts of the career of the duke, makes it a valuable commentary on the events described. Any statement, however trivial, which aids in clearing up the tangled maze of intrigue and cabal which surrounds this phase of the rising is to be welcomed. This manuscript may be said to serve such a purpose. The author describes many incidents which are passed over in silence by most of the other contemporary writers. He emphasizes, for example, the hostility of the duke to France, and makes the duke exclaim, on beholding a suit of clothes ornamented with the fleur-de-lis,

¹ Donzelli, Preface, p. 12.

"To look upon the fleur-de-lis is like the Devil beholding the Cross."¹ Again, the duke tells his friends to answer any inquiries as to his birth by saying that he was born outside of France, in a boat, and was baptized at the pier of Naples.¹ Such anecdotes aid materially in forming a final estimate of the central figure in this stage of the insurrection. It is to be borne in mind, however, that Donzelli perhaps reflects the opinions and gossip of the middle class, and that the statements in his book are not to be accepted as solving entirely the difficulties connected with the period. The main statements in Donzelli's narrative are corroborated by the *Mémoires* of Modène, whom Reumont regards as a safe guide for this period of the revolution. When one remembers the admiration expressed by Donzelli for the conduct of the Cardinal Ascanio Filomarino, that "most vigilant pastor, full of prudence, and by nature very obliging and in accord especially with this movement,"² the insertion in his account of the important fact, attested by Modène, that the Cardinal was *forced* to bless the sword of the Duc de Guise, under threat of being dragged through the streets by the mob,³ goes far toward impelling belief in other incidents not expressly corroborated by, and seemingly contradictory to other contemporary accounts. The book is perhaps lacking in arrangement; but it can hardly be said to be devoid of literary merit. The duke is now made the center of interest; now he is suddenly abandoned to describe the prosecution of the war in the suburbs of Naples. The verdict of Haim, which is quoted and accepted by Soria in his *Memorie*, is confirmed and strengthened by a careful examination of the manuscript portion of Donzelli's work: "Donzelli is one of the best historians of the rising of Masaniello."⁴

DANIEL CHAUNCEY KNOWLTON.

¹ Donzelli, Part II., p. 27.

² Donzelli, Part I., p. 12.

³ Donzelli, Part II., p. 5.

⁴ Soria, Vol. I., p. 215.

DOCUMENTS

1. *A Letter of William Bradford and Isaac Allerton, 1623.*

THE following letter is amongst a mass of unarranged and uncalendared papers in the Public Record Office in London, which were sent to that office from the Registry of the High Court of Admiralty. Its appearance in so unexpected a quarter is explained below. The original has been followed as closely as it is possible to follow in print a written letter. One or two contractions have been extended; the punctuation has been altered in one or two places; and the letters "v" and "u" have been interchanged according to modern usage.

The *Little James* went out in 1623 with supplies for the Plymouth colony. On her return to England in 1624 she was sued in the High Court of Admiralty by Stevens and Fell, two of her crew, for their wages. The defense was that they had forfeited their wages by their mutinous conduct; and, in the result, the claim was dismissed. The cause of discontent appears to have been that the *Little James* had a commission to capture ships, and that a French bank fisherman, who might have been captured on the outward voyage, was allowed to escape; and, further, that after the ship arrived in New England she was ordered by Bradford to go upon a fishing voyage, which the crew objected to, alleging that they had been hired for a privateering and not for a fishing voyage. Bradford's letter given below was produced as evidence for the defense in the suit of Stevens and Fell *c.* The *Little James*. It is throughout in the handwriting of William Bradford—the writing of the well-known "Log" of the Mayflower. It has no address, but the context shows that it was sent to the adventurers in London. Annexed to it are two other letters, one from Emmanuel Altham, the captain or commander of the *Little James*, the other from John Bridg (or Bridge), her master. Both of these are addressed to James Sherley, the treasurer of the adventurers in London. The address of the former is almost illegible; it appears to be as follows, but the words marked (?) are doubtful:

"To the Worshipfull (?) and my most respected loving kind friend M^r Jeames Sherle Treasurer for the New Plimoth adventurers dwellinge on London bridg at the Golden hoospyte (?)."

Bridge's letter, written from "Plemoth in New England" is dated 27th Sep., 1623, and is addressed:

"To his aproved frend M^r Jeames Sherley at his house in Croked Lane in London."

The *Little James* belonged to the adventurers, and upon her return to England she was taken possession of by Thomas Fletcher and Thomas Goffe under a decree of the Admiralty Court in payment of a debt of £250.

R. G. MARSDEN.

2 da¹

Beloved and kind freinds We have received your letters both by the Anne and the James, which are both safly arived here, thanks be to God, the Anne about the later end of July, and the James a fourthnight after, and by them a large and liberall suply, for which togeather with your loving and honest leters we give you hartly thanks, being very sorie to hear of your losses and crosses, and how you have been turmoyled therabout. If God had seen it good we should have been right glad it had come sooner, both for our good and your profite; for we have both been in a langwishing state; and also faine to put away our furs at a small vallew to help us to sume necessaries, without which notwithstanding we should have done full ill, yea indeed could not have subsisted; so as we have little or nothing to send you, for which we are not a litle sorie; but if you knew how necessarily we were constrained too it, and how unwillingly we did it, we suppose you cannot at all blame us for it; we put away as much at one time and other of bevar as, if they had been savid togeather and sould at the best hand, would have yeilded 3 or 4 100 pounds; and yet those are nothing to those we have lost for want of means to geather them when the time was, which I fear will scarce ever be againe, seeing the Duch on one side and the french on the other side and the fishermen and other plantations betweene both have, and doe furnish the savages, not with toyes and trifles, but with good and substantial comodities,² as ketkes, hatchets, and clothes of all sorts; yea the french doe store them with biskay shalopes fited both with sails and ores, with which they can either row or saile as well as we; as also with peices powder and shot for fowling and other servises; (we are informed that ther are at this present a 100 men with 8 shalops coming from the eastward, to robe and spoyle their neighbours westwards); also I know upon my owne knowledg many of the endeans to be as well furnished with good ketkles, both strong and of a large size, as many farmers in england; yet notwithstanding we shall not nectlect to use the best means we can with the pinnas and means we now have, both for trading or any other imployment the best we can for both your and our advantage; but we are sorie that shee is maned with so rude a crew of sailors; we hope the maister is

¹ Secunda. This word in the margin of the original indicates that a duplicate was sent by another ship.

² Sic.

an honest man ; and we find the capten to be a loving and courteous gentleman ; yet they could not both of them rule them, so as we were faine to alter their conditions and agree with them for wages as well as we could ; and this we did not only by the capten, and maisters, together with M^r peirces advice, but we saw we were of necessitie constrained thereunto to prevente furdur mischefe, which we saw would unavoydably ensew ; for besides the endangering of the ship, they would obey no command, at least without continuall murmuring, aleging that they were cousened and deseaved and should saile and work for nothing, the which they would be hanged rather than they would doe, as also that they would not fish, or doe any such thing ; they said they were fited out for a taker, and were tould that they might take any ship what soever that was not to strong for them, as far as the west endeans, and no other employment would they follow ; but we doubt not now to have them at a better pass, and hope to raise some benefite by her imploymente ; shee is now to go to the southward ; we have sent to the Indeans, and they promise us we shall have both corne and skines ; at her returne we think to send her northward, both to fish and truck, if it please God to bless them.

We have sent unto you (with these our letters) one of our honest freinds, Edward Winslow by name, who can give you beter and more large Information of the state of all things than we can possiblie doe by our letters ; unto whom we refferr you in all partickulars ; and also we have given him Instrucktion to treat with you of all such things as concerne our publick good and mutuall concord ; expecting his returne by the first fishing shipps.

We have write to the counsell for an other patente for cape Anne to weet for the westerside of it, which we know to be as good a harbore as any in this land, and is thought to be as good fishing place ; and seeing fishing must be the cheefe, if not the only means to doe us good ; and it is like to be so fite a place, and lyeth so neer us ; we thinke it verie necessarie to use all diligence to procure it ; and therfore we have now write unto you and the counsell againe about it, least our former letters should not be come, or not delivered, of which we have some suspition ; M^r Weston hath writen for it, and is desirous to get it before us ; and the like doth M^r Thomson ; which is one spetiall motive that hath moved us to send over this messenger fore named ; as also about that grand patent which we understand you have gott from M^r peirce, which if it be as we have it is by M^r Thomsons relation, but to goe by a right line from the Gurnatsnose due west into the land a certain way, and noe furdur north-ward, it will stripe us of the best part of the bay, which will be most comodious for us, and better then all the rest ; therefore seeing now is the time to helpe these things we thought it were then necessarie to send aboute the former patente for cape Anne ; we desire it may be procured with as ample privileges as it may, and not to be simplie confined to that place, but in our liberty to take any other, if we like it better.

M^r peirce¹ (for ought I hear) hath used our passengers well, and dealt very honestly with us; but we wanted a perfect bill of lading, to call for ech parcell of our goods, which as you have occation we pray you see toe hereafter, for it is very requisite though you have to deale with honest men. we have agreed with him to lade him back for a ·150· pounds, which you will thinke something much, but we could gett him no cheaper; we did it the rather that he might come directly home, for the furdurance of our other affares; as also for some other respects necessarie and benefitiall for us; we have laded him with clapboard,² the best we could gett, which we hope at the least will quite the cost; for lengths they are not cut by the advice of the Cooper and pipe-stafmaker which you sent us; for thicknes they are bigger than those which come frome other places, which must accordingly be considered in the prices; the cooper of the ship saith they are worth ·5· per ·100· and I here he means to bye some of them of you; of which I thought good to give you notice.

We have also sent you that small parcell of fures which we have left, besides those we put away formerly; if the ship had but come one month sooner, we had sent you a good many more, though since that conspiracie raised against us by the Indeans, caused by M^r Westons people, and that execution we did at the Massachusets, cheefly for the saving of their lives, we have been much endamaged in our trad, for ther wher we had most skins the Indeans are rune away from their habitations, and sett no corne, so as we can by no means as yet come to speake with them. we have taken up of M^r peirce sundrie provissions, the cheefe wherof is bread, and course cloth, and some other needfull things withall; and with them he hath put upon us some other things less necessarie, as beefe etc. which we would not have had if we could have had the other without them; fear of want againe before suply come to us, as also a litle to encourag our people after ther great dishartening hath made us presume to charg you herewith; a bill of the pertickulars we have here sent you; we hope the fures will defray it.

It is for certain that great profite is here raised by fishing; the shipes have this year made great viages, and were a great many of them;³ and if we could fall once into the right cource about it, and be able to manage it, it would make good all; a good fishing place will be a great advantage for it, wher the boats may goe quickly in and out to sea at all times of the tide, and well stoed with fish neer at hand, and convenient places to make it, and build stages in, and then it will not only serve for

¹ About 14. days after came in this ship, caled the Anne, whereof M^r William Peirce was m^r, and aboute a weeke or 10. days after came in the pinass which in foule weather they lost at sea, a fine new vessell of aboute 44. tune, which the company had built to stay in the cuntri. *History "of Plimoth Plantation"* (1898), 171.

² This ship was in a shorte time laden with clapboard, by the help of many hands. Also they sente in her all the beaver and other furs they had, and M^r Winslow was sent over with her, to enforme of all things, and procure such things as were thought needfull for their presente condition. *Ibid.*, 177.

³ Thus, in the original, possibly some words were omitted.

our owne fishing, but after it be known once by experience to be a place well qualified for that purpose, benefite will be made of it by granting licence to others to fish ther. But about these things we referr you for funder information to our messenger and M^r peirce, who is a man as we perceive very skillful and diligent in his bussines, and a very honest man, whose employments may doe us much good; and if you resolve, as we earnestly desire you may, of any course aboute fishing we think he is as fite an Instrument as you can use.

It would be a principall stay and a comfortable help to the Colonie if they had some catle, in many respects, first it would much encourage them, and be in time a gretter ease both for tillage of ground, and cariag of burden; 2ly, it will make victuals both more plentiful, and comfortable; 3ly, it might be a good benefite after some encrease that they might be able to spare some to others that should have thoughts this way; espetially goats are very useful for the first, and very fite for this place, for they will here thrive very well, are a hardly creature, and live at no charge, ether wenter or sommer, their increas is great and milke very good, and need little looking toe; also they are much more easily transported and with less difficulty and hassard, then other kattle; yet tow of those which came last dyed by the way, but it was by some neclegence. for kine and other catle it will be best when any comes that it be in the spring, for if they should come against the winter, they would goe near to dye; the Colonie will never be in good estate till they have some.

As touching making of salte we have by accedente had speech with one of the north cuntrie, who came with M^r Reinolds (who put in here), and was his mate; he had speech with our smith aboute the making of salt pane, he doubts he cannot doe it; also he saith if they goe about it that have no skill they will quickly burne the pans and doe no good, wheras if they be skillfully ordered they may last a long time. he thought we might have some frome about new-castle that would best fite our tourne for that bussines we pray you provide for us here about as soone as you can, that we may doe some thing to the purpose.

M^r Westons colonie is desolvd (as you cannot but hear before this time). they had by their evill and deboyst cariage so exasperated the Indeans against them as they plotted ther overthrow; and because they knew not how to effecte it for fear we would revenge it upon them, they secretly Instigated other peoples to conspire against us also, thinking to cut of our shalope abroad and then to assalte us with their force at home. but ther conspiracie and trecherie was discovered unto us by Massacoyte, (the occation and funder relation wherof our messenger can declare unto you at large, to whom we referr you). we went to reskew the lives of our countrie-men, whom we thought (both by nature, and conscience) we were bound to deliver, as also to take vengeance of them for their villanie entended and determened against us, which never did them harme, waiting only for oportunitie to execute the same. but by the good providence of god they were taken in their owne snare, and ther wickednes came upon their owne pate; we kild seven of the cheife of them, and

the head of one of them stands still on our forte for a terror unto others ; they mett our men in the feild and shoat at them, but thank be to god not a man of them were hurte ; neither could they hurte the Indeans with their peices, they did so shilter them selves behind great trees, only they brake the arm of a notable rogue as he was drawing his bow to shoot at capten standish, after which they came away. we gave the capten ordere, if M^r Westons people would, that he should bring them to us and we would aford them the best secoure we could, or if they chose reather to goe to Monhegin, that then if he tooke any corne from the Indeans, he should let them have to victuall them thither (which accordingly was done, though ours had scarce enoughe to bring them home againe). yet for all this, and much more [the]y cannot afford us a good word but reproach us behind our backes.

Touching our governemente you are mistaken if you think we admite weomen and children to have to doe in the same, for they are excluded, as both reason and nature teacheth they should be ; neither doe we admite any but such as are above the age of 21 years, and they also but only in some weighty maters, when we thinke good ; yet we like well of your course, and advice propounded unto us, and will as soon as we can with convenience bring it into practice, though it should be well it were so ordered in our patent.

Now wheras you think we have been to credulous in receiving insinuations against you, and to rash in complaining and censoring of you ; as also that to pertickular men letters have been written not with that descr[e]tion and deliberation which was meet, we answare what others have written we know not, neither could hinder ; if ther be any thing otherwise then well lett them beare their blame ; only what we have written we best know, and can answer. and first we wishte you would either roundly suply us, or els wholly forsake us, that we might know what to doe ; this you call a short and peremptorie resolution, be it as it will, we were necesarily occationed by our wants (and the discontents of many) therunto. yet it was never our purpose or once came into our minds to enter upon any cource before we knew what you would doe, upon an equall treaty of things, according to our former, as we conceivd, bonds between us. And then if you should have left us we mente not to joyne with any other (as you it should seeme conceived) but thought we could get our selves foode, and for cloathes we Intended to take the best course we could, and so to use the best means we could to subsiste, or otherwise to returne. though Indeed we thinke if you had left us we might have had others desirous to joyne with us. also you may conceive some of us have had enough to doe to hould things togeather amongst men of so many humors, under so many dificulties, and feares of many kinds ; and if any thing more hath been said or written to any by us, it hath been only to shew that it might rather be marvelled that we could at all subsist, then that we were in no better case haveing been so long without suplie, and not at all for your disgrace. If necessity or pation have caried others further, your wisdoms will (I doute not) beare

with it. as for capten standish we leave him to answare for him selfe ; but this we must say, he is an helpfull an Instrument as any we have, and as carfull of the generall good, and doth not well aprove him selfe.

Indeed freinds it doth us [muc]h good to read your honest letters. we perceive your honest minds, and how squarly you deal in all things, which giveth us much comforte, and howsoever things have been for time past, we doubt not for time to come but ther shall be that good coraspondance which is meete. and we shall labore what we can to be answarable to your kindnes and cost.

for our freinds in holand we much desired their companie, and have longe expected the same ; if we had had them in the stead of some others we are perswaded things would have been better then they are with us, for honest men will ever doe their best endeavoure, whilst others (though they be more able of body) will scarce by any means be brought too ; but we know many of them to be better able, either for laboure or counsell then our selves ; And indeed if they should not come to us, we would not stay [her]e, if we might gaine never so much wellth, but we are glad to take knowledge of what you would write touch[ing] them, and like well of your purpose not to make the generall body biggere, save only to furnish them with usefull members, for spetiall faculties.

Touching those articles of agreement, we have taken our selves bound by them unto you, and you unto us, being by M^r Weston much pressed ther unto, we gave M^r Cochman full Commission to conclude and confirme the same with you. for any thing furdur ther aboute we referr you to our messenger ; though in any bound made, or to be made between you and us, we take our freinds at Leyden to be comprehended in the same, and as much interese[d] as our selves ; and their consents to be accordingly had ; for though we be come first to this place, yet they are as principalle in the acction and they and we to be considred as one body.

We found the chirugion in the pinas to be so proude and quarelsome a man, and to use his termes in that sorte, as the Capten and others durst not goe to sea with him ; being over ready to raise factions and mutanie in the shipe ; so as we were constrained to dismise him, and hire M^r Rogers in his roome, M^r Peirce being willing to releace him, to doe us a favore. he is to have · 35 · s · per month, wherof he desers his wife may have · 16 · s a month, which we pray you may be accordingly performed.

About Hobkins and his men we are come to this isew. the men we retaine in the generall according to his resignation and equietie of the thinge. and about that recconing of · 20 · ode pounds, we have brought it to this pass, he is to have · 6 · ¹¹ · payed by you ther, and the rest to be quite ; it is for nails and shuch other things as we have had of his brother here for the companies use, and upon promise of paymente by us, we desire you will accordingly doe it.

for the tokens of your love and other the charges you have been at with my selfe befitt¹ you many thanks, (and so doe they

¹ A hole in the paper.

likewise) not knowing how to recompence your kindnes. it is more then we have deserved at your hands.

Touching those which came unto us in ther pertickular, we have received them in as kindly maner as we could, according to our abilitie, and offered them as favorable termes as we could touching their footing with us. yett they are sundrie of them discouraged I know not whether by the countrie (of which they have no triall) or rather for want of those varietis which England affords, from which they are not yet wayned, and being so delitefull to nature cannot easily be forgotten without a former grounded r[esolu]tion. but as they were welcome when they came, [so sh]all they be when they goe, if they thinke it not for their g[oo]d, though we are most glad of honest mens companie; and loath to part from the same.

Thus againe giving you hartie thanks for your loveing affections and large hands extended unto us, we rest your loving freinds to use,

WILLIAM BRADFORD, Governor

ISAAC ALLERTON, Assistant

PLIMOTH

September 8

1623

2. *Letters of Samuel Cooper to Thomas Pownall, 1769-1777.*¹

The following letters of the Reverend Samuel Cooper relate to public affairs in the American colonies before the outbreak of the Revolution and during the war. As far as the present writer is aware they are now for the first time printed.

In the library of George III., presented to the nation by George IV., is a manuscript volume (British Museum, King's MSS. 201) comprising "Original Letters, from Dr. Franklin to the Reverend Doctor Cooper, Minister of the Gospel in the Town of Boston in New England, in the years 1769, 1770, 1771, 1772, 1773, and 1774, upon the subject of American Politics." With this volume are two others, bound and lettered in the same style, the one containing original letters from Governor Pownall to Dr. Cooper (*ibid.*, 202), and the other, drafts and copies, in his own handwriting, of letters from Dr. Cooper to Dr. Franklin and Governor Pownall (*ibid.*, 203). A fourth volume (*ibid.*, 204) contains copies of Cooper's letters to Franklin, Franklin's letters to Cooper (except that of December 30, 1770), and all but two of Pownall's to Cooper, the letters of Cooper to Pownall being omitted.²

¹ A brief notice of Samuel Cooper may be found in Vol. VI., p. 301, of the REVIEW.

² Preceding the transcripts in the last-mentioned volume is a short history of these letters, which runs as follows:

"Account of the manner in which the following Letters came into the hands of the Person who now possesses them.

"Immediately after the Affair of Lexington, which happened upon the 19th of
AM. HIST. REV., VOL. VIII.—20.

Pownall's twenty-six letters to Cooper, comprising "the newly discovered evidence" of Frederick Griffin, may be found published, generally entire, in that author's *Junius Discovered* (Boston and London, 1854). Cooper's letters to Pownall, fourteen in number, beyond an occasional extract, have not, as far as the present writer can learn, been heretofore printed. The first letter here printed, dated "Boston Feby. 18. 69." and the last one, dated "28. March 1777," are in the possession of Mr. Marvin M. Taylor of Worcester, Massachusetts.

FREDERICK TUCKERMAN.

I. SAMUEL COOPER TO THOMAS POWNALL.

Dear Sir,

Boston Feby. 18. 69.

I am now to acknowledg the Favor of your Letters of the 16 and 20th of Nov'r last, and to Thank you for the kind and particular Information, April, 1775, the Town of Boston was surrounded by the Rebels and all intercourse with the Country was cut off. Those who were in the Town were not allowed to quit it without the permission of the commander in chief, and no person was allowed to pass the lines to go into the country without first being searched by Officers appointed by the General for that purpose. At this time many of the leading Men of the disaffected party were still in the Town, and among the rest the Revd. Dr. Cooper, Minister of the Gospel to one of the Religious Societies in that town, a Man of great weight and influence among the people, who admired him as much for his Abilities, as they respected him on account of his Holy profession, and his exemplary life and conversation. He, with many others, made immediate application for leave to quit the Town, and obtained a Passport for that purpose.

"At this time he had in his possession the Originals of the following Letters from Dr. Franklin, together with the original draughts of his Answers, and a great number of Letters from Gov. Pownall, written the same time, upon the same subject, with the draughts of all his answers to them. Being unwilling to destroy these papers, and afraid of detection if he attempted to take them with him through the Lines, he determined to leave them behind in the hands of a confidential friend, with directions to forward them to him by the first safe conveyance. He accordingly packed them all up together in a bundle, and sent them to Mr. Jeffries, one of the selectmen of Boston, who at that time was sick, and unable to leave the Town. He was confined to his bed, when these papers were brought to him; they were therefore put by in a trunk which contained other things of his own. As soon as Mr. Jeffries was recovered from his illness, he left the Town, and followed the rest of his Party into the Country.

"His son, Dr. John Jeffries, who is now one of the Surgeons to the Hospital at New York, not choosing to take part in the Rebellion, refused to accompany his father into the Country. With this Son he left everything that he could not take with him, and among other things the beforementioned trunk, either not knowing or forgetting that it contained a treasure belonging to his friend. This trunk remained near a year in Dr. Jeffries' possession without his knowing what it contained, till, upon the evacuation of Boston in the month of March following, collecting his effects in order to embark with them for Hallifax, he accidentally discovered this packet of Letters, and finding them interesting, took care to preserve them. From Hallifax he brought them with him to London in January last [1777, Ellis; 1779, Sabine], and made a present of them to Mr. Thompson [presumably Benjamin Thompson, later created Count Rumford], who now presumes most humbly to lay them at His Majesty's feet, as a literary, as well as a political curiosity."

¹ At the head of the original of this letter is written, "Letter 4th. To Tho^s Pownall Esq^r. Copy." Thomas Pownall, LL.D., F.R.S., F.S.A., statesman and antiquary, was

formation you have given me of Affairs relating to America, and this Province in particular. As I am fully persuaded both of your Ability and Inclination to serve us, and have heard with much Pleasure of your friendly Exertions on our Behalf, I shall omit no¹ Endeavors of my own, as far as they will go to enlarge your Opportunities of shewing your Kind Regard to us. I have made, and shall continue to make the best Use of your Letters to this End, and at the same Time in so cautious a manner as to avoid ev'ry Inconvenience to you. — The Agents for America, I am afraid have not thoroly done their Duty to their Constituents. De Berdt² has grossly fail'd respecting the Petitions committed to his Care — I am told it was asserted in Parliament, in Favor of the Secretary of State, that the Petition of y³ House was never given to him ; nor can I learn that this was contradicted, tho the Agent wrote the Speaker that He had offered it to H's Lordship. — The Province is certainly much oblig'd to you for the sound Advice you gave him respecting the Petition of the Convention,⁴ and his not acting according to it, at such a Crisis appears to me unpardonable, and has lost him much Confidence here. I was surprised to see the Complexion of the Thing such after the Petition had got home, and the good Conduct and Effect of the Convention were known, as also the Testimony of the Council to the good Order of the Town ; and am afraid this was owing to uncandid and exaggerated Accounts transmitted from hence, and too easily credited by Administration. The People of this Town and Province, are under this great Disadvantage, that living so distant from the great Fountain of Government, they Know not what has been alledg'd against them, nor in what Light their Conduct has been plac'd, and consequently it is out of their Pow'r to vindicate themselves till the Misrepresentation has had its Effect. — In political Contests, of so important a Nature as the present, between Britain and the Colonies, is it just that Government should act upon Accounts stated ex parte ; for such we may suppose many of the Accounts receiv'd at the great offices from the immediate Servts of the Crown, and industriously conceal'd

born at Lincoln about 1722, and graduated at Cambridge in 1743. Ten years later he came to America as private secretary to Sir Danvers Osborn, Bart., royal governor of New York. In 1755 he was appointed commissioner for Massachusetts ; and in 1757 succeeded General Shirley as governor of that province. In 1759 he was appointed governor of South Carolina, but he never assumed the government of that colony. In 1760 he returned to England, and sat in Parliament first for the Cornish borough of Tregony, and subsequently for Minehead, Somerset. He died at Bath, February 25, 1805. Pownall was a staunch friend to the American colonies, and as a member of Parliament strenuously opposed the ministerial measures against them. He protested against the war with America, predicting the consequences which followed. For some further account of him see *Dict. Nat. Biog.*, XLVI. pp. 264–268. A list of his writings may be found in the appendix to *Junius Discovered*, by Griffin.

¹ After this the word "opportunity" is written and stricken out. Other erasures of this kind have been made, but have not been transferred in publication.

² Dennis De Berdt, colonial agent in England for the Massachusetts assembly.

³ This word may be "ye," *i. e.*, "the" and perhaps it should be printed "the" here.

⁴ The convention of September 22, 1768. See Frothingham, *Life of Warren*, 86–96.

from the People who are essentially interested in them; Ought not the People to be made acquainted with these Accounts, and invited to vindicate themselves as far as they can, before Decisions are founded upon them that must affect their most important Interests — I find it has been receiv'd among you, as an undoubted Fact, that the Convention was called by the Town of Boston, upon the Precedent of 1688 — on Supposition of the Dissolution of Government, and with Intention to erect a new one — Had this been true, I should not wonder at the Resentment expres't against the Town of Boston, and the Circular Letter of the Selectmen. But this is far from the Truth — I never heard that they intended to proceed upon such a Ground, till it came from your Side the Water, suggested I believe from hence — The Letter mentions no such Thing — and it was, I am persuaded, far from the Intention of those who propos'd and carried that measure. If the Proceedings of the Convention were legal, innocent, and even meritorious, as I think they were, so were those of the Town of Boston, and of the Selectmen, that made Way for the Convention — The Design of it was, to calm the People, to prevent Tumults, to recognize the Authority of Government by humble Remonstrances and Petitions, and to lead the People to seek Redress only in a Constitutional Way. The discerning who promoted this Measure, saw that it must have this Effect. Had any Thing been intended in Opposition to Government, common Sense would have forbid the Calling the Members to assemble in this Capital, where all they said and did must be Known, and would have left them to act more secretly, and effectually in the several Districts where they had Influence — The Publicity of the Meeting, was consider'd as the surest Pledg of the Prudence and good Temper of their Proceedings. Candor would have thus represented it to Administration. I have nothing to say, as to the Propriety of the Vote respecting Arms — It had an ill Appearance upon which Account I dislike'd it; but that was all. it was strictly legal — For it was not, as has been maliciously represented, a Resolution to *take up* Arms, but only to comply with a *Law* that *obliges* the Inhabitants to be *provided with* them. There was at that Time, not only a *Report*, but a General *Apprehension* of a War with France — Some however, I do believe were in Favor of this Vote, not Knowing what Excesses the Troops that were then expected might commit, and because they judg'd it expedient for the Inhabitants at such a Juncture to avail themselves of the Privilege given them by Law, and that a public Declaration of this might be a Security to them.

Mr. Greenville's Pamphlet is in many Places rather plausible than solid — Your Note is handsom[?] and conclusive — It is strange that we should be represented as paying no Taxes, because we avoid as much as may be, Duties and Burdens upon Trade, and make prompt Payment; — that a Necessity for Paper money should be be consider'd as a Mark of our Riches, and that a Tax should be propos'd to be laid on America, an infant Country, twice as large as upon Ireland, an old Kingdom, of

establish'd Manufactures — that the [*illegible*] of Woollen Manufactures, should be held out as a Douceur to the last, and nothing but a severely restricted Trade to poor America. — A larger Quantity of British Goods were imported into America, the Year of the Stamp Act than in the succeeding ones, because the Merchants here gave Orders to their Correspondents, in Case they apprehended the Repeal would take Place, to ship a more than common Quantity of Goods; because the Act had given a start to American Manufactures wch was perceptible the next year and still further promoted by subsequent Acts of the same Spirit: so that Facts truly stated are directly repugnant to the Author's Argument. Manufactures daily advance among us: Hundreds of the Troops station'd here have already deserted, delighted with the Country, and mixing with its Inhabitants, carrying useful Arts and Trades as well as military Skill, wherever they go — In short, ev'ry hard Measure from Britain, reacts upon itself; and true Policy respecting America seems to have forsaken your Councils.

I have heard that when the Secretary of State was pres't in Parliament, upon American Measures, it was said in his Vindication, that the Order to dissolve the Assembly in Case of Non rescinding, was never design'd as a Threat to a Corporation; that being address'd to the Governor, as a Direction to his Conduct alone, it could by no Means be consider'd in that light; and that another Assembly must of Course meet in May — But the Governor laid this Order before the Assembly, declaring himself indispensably oblig'd to obey it — It had therefore as much Effect upon their Deliberations as if it had been address't immediately to them. The House desiring a short Recess, to consult their Constituent upon so important a Point, were refus'd — Nay when they only took a few days to deliberate upon it, the Governor grew impatient, and told them in a Message, that He expected an immediate Decision, and should regard a longer Hesitation as an absolute Denial, and proceed accordingly — Was all this no Threat to a Corporation — ¹

II. SAMUEL COOPER TO THOMAS POWNALL.

May 11th 1769

My Dear Sir.

I am extremely obliged to you for the trouble you have given yourself, so particularly to inform me of Affairs in which America is interested. I have receiv'd your Letters of 30 Jan^r [and] 13 Feb^r [and those of] 19, 21, 22 March² have been deliver'd to me. I wrote you by Capt. Hall, and Scot, who both promised me very particularly to deliver my Letters into your own Hand. Tho I suppose by your Letters, that some have not fulfill'd their engagements to me upon this Head. I shall however take the best care I am able in this Point for the Time to come. Ev'ry

¹ The remainder of this letter is missing. With a few exceptions Dr. Cooper's drafts or copies are signed by him, either in full or with his initials.

² All of the letters here mentioned, except that of March 21, are printed by Griffin in *Junius Discovered*.

American and indeed ev'ry Friend to the true Interest of the Nation is indebted to you for your Speech in Parliament upon the Resolution in which you united Reasoning and Eloquence with a precise Knowledge of Facts. But I'm afraid that some on your Side the water do not wish that things should be view'd in a clear and just Point of Light, they have taken their Part, and know not how to recede, and seem determin'd to use their utmost efforts to support the credit of their Representations, upon which they have hastily founded their Sentiments and Conduct — Measures that have been gone into thro Mistakes and from *false Lights* held out to leading men, must be maintain'd and perserver'd in for the Sake of Dignity, as if it could be for the Honor or Support of Government to persist in Error.

Your Speech which was soon Publish'd and dispers'd among us, tho not from the copy sent me, which came later than some others, is much admir'd among us, and regarded as a Proof of your Knowledge Public Business, and of your Zeal for the Welfare of both countries. But tho there is nothing in it, that I can discern, to give the least Umbrage to the warmest Friends of Government, yet I suspect that ev'ry Part of it is not highly relish'd by some few among us, who are fond of Assuming this character, and are for — having ev'ry thing carried with a high Hand. On the other Side, some are jealous that from your concessions on the Head of *external Taxes* you meant the Establishment of a *Revenue*, on Port Duties, which they say would not be going back to the old Ground: inasmuch as before the Stamp Act: Parliament evidently intended nothing more than a *simple regulation* of Trade for the Benefit of the whole as a Proof of which they allidg, that the Duties rais'd by the Molasses Act were consider'd only as Perquisites to the Officers here, and not appropriated to any use by Parliament, or bro't into the accounts of the Exchequer — In the observations on the state of the Nation, said here to be M^r Rourkes, it is remark'd if I mistake not, that a Country from which Britain reapes the Fruits of a double Monopoly, that of all its Imports and all its exports, can never in true Policy be consider'd as the Object of Taxation — These Monopolies must draw from it all it can yield: and if they are not strictly Taxes, they certainly include all Taxes. So that Government may take the *old Ground* with ev'ry advantage to itself — The Gentlemen of the convention and particularly the Selectmen of Boston are greatly oblig'd to you for your Candid and accurate Vindication of them, from these artful and cruel Misrepresentations which aim'd at nothing Short of involving them in the Penalties of Treason — Tho there is not a man among us, but must be convinc'd in his own Mind, from the open Part which they took, and from other circumstances that these Gentlemen were not apprehensive that they were doing anything illegal. I cannot think of the Malignity of some among us, without Detestation and Horror.

I do not wonder that the nullum Tempus Bill, was not consider'd as extending to America; nor am I surpris'd after what has taken place; that it made a Question whether any of the great acts, that guard the

Liberties of the Subject do thus extend an unbounded Pow'r, can do anything with us. It can create and annihilate us as often as it Pleases, whom we are to obey, it can make us absolutely and completely British Subjects: when we claim a Privelege it can as easily unmake us. How dreadfully precarious is such a condition, and can any Man imagine, that so great a Part of the Nation, as now inhabits America, and that is rapidly growing, to an equality in Numbers with those within the Realm, can be contented with such a Situation, while they have as thoro an understanding as high a value for the Rights of the British Constitution as any who enjoy them: We must be plac'd upon a broader and firmer Bottom than we stand at present or Things will inevitably tumble into confusion — I am oblig'd to you for the copy Inclos'd of the Mutiny Bill, it being the only one in the Place. — I read it to General Mackay,¹ who arrived about a Fortnight ago. — The alterations which you originated have greatly amended the act — But the passing a Law here for the Purpose Mention'd, is like to meet with opposition upon two accounts; because we have never made an act the operations of which is to be *Suspended* till it be confirm'd by the King; and because People will be extremely jealous of anything that shall look like a conceding to the establishment of an Army among us in Time of Peace. — For the same Reasons as because the Troops were quarter'd in this Town in direct opposition to act of Parliament, our assembly will thoroly deliberate I imagine before they give any Money towards the Support of these Troops in their present Situation. Many I am persuaded w'd chose to have their Money taken from them by Force, rather than give the Sanction of their own consent, to the Maintenance of an Army sent among us under Pretence of aiding the civil Magistrates, while they protested ag'st it, and which threatens to overthrow the constitution.

I enclose you the Instruction of the Town of Boston, from which you may judge of the general Disposition of the whole Province: and how far the late measures are likely to soften us to any concession — Our Merchs stand firm to their agreement respecting Non Importation of Goods.² Some who had goods sent contrary to expectation, have readily resign'd them to a committee of the Body. — a few who never enter'd into the agreement and have imported a small Quantity, have their Names publish'd in Hand Billits, to their great vexation, because they know it is the Spirit of the People in the country as well as Town not to purchase of them. For which Purpose Engagements will be form'd among the Purchasers of Connecticut and N. Hampshire as well as this Province. Ill Humers if violently repell'd at one avenue do naturally break out at

¹ Colonel (afterwards Major-General) Alexander Mackay arrived in Boston with the troops from Ireland in November, 1768, being at that time in command of the 65th Regiment. He returned to England the following August. See *Mass. Hist. Coll.*, 6th Series, 1X. 170, note.

² The merchants and traders of Boston had entered into an agreement not to import goods from Great Britain, and further agreed that no goods should be sent from Boston until the revenue acts had been repealed, and so notified De Berdt, the agent of the colony in England. See *Mem. Hist. Boston*, III. 29, note.

another, till there is a radical cure. The same Firmness is discover'd by the Merchants at N. York and some that have imported there, have Solemnly engag'd to send back their goods while we are thus stopping our Importation

Manufactories continually increase among us ; We are ambitious of being clad in our own Produce ; and the invention of a Sagacious and injur'd People quite thro this extended Continent is now upon the Stretch, to find out ways and means to supply themselves, and diminish the commercial advantage Britain has reaped from them. — This is indeed an unnatural state — But we have been drove to it, and if the Presure continues the state will become natural by Habit, and the Tree will break before it is made strait again. In the Mean Time the Figure and Influence of the Nation is impair'd — The weight of Negotiation is lost. — It is understood that Peace must be preserv'd upon any Terms with Foreign Pow'rs. — The Manilla Ransom must and other Points Perhaps of greater importance must be wav'd from confessed Weakness. This indited new Insults and Infractions of Treaties — and precipitates rather than protract a dreaded War — And for what are the Foundations thus out of course ? Sovereignty you always had and might continue to have ; ev'ry good and valuable Purpose — nor can the Colonies be more useful upon any Plan than that upon wch they stood from the Beginning and is [it] worth while to incur such capital Distresses for the sake of a Shadow : or to Support a few unworthy Servants of the Crown, whose Avarice, paltry Ambition, and base Misrepresentations, have shook the Empire, and essentially injur'd the Service of that good Prince, they were under ev'ry obligation to promote. —

Governor Bernard is still convinc'd as we [*illegible*] to sooth us, on Doubt into compliance, — and employ his great Interest with the People for the service of the Crown. strange that He should seem so loth to leave a country He has so grossly injur'd and abus'd, and He has indeed essentially tho undesignedly Serv'd us — Had he been wise and smooth and known how to have establish'd himself upon a broad Bottom, our Liberties might have been lost without a strougle The assembly I believe will keep up as firm a Tone as any former ones ; and the Council will be more than ever united with the House and the People — For this we are greatly indebted to the Governor —

From what you dropt in your last letter, I expect the Agency would not now be agreeable to you ; as it would give me great Pleasure to have you in that important Trust, but much more to see you again at the Head of the Province, as no man would be more likely to heal our Wounds, and essentially to promote the service of both Countries — The Rev'd M^r Moore, Presbyterian Minister of Hallifax, promises to deliver this to you with his own Hand — He goes to Sollicit Aid for the poor Ministers at N. Scotia : He is well recommended, and His Success in this affair seems to me of no small Importance to the Support of this declining Province.

To T. Pownall Esq^r

III. SAMUEL COOPER TO THOMAS POWNALL

July 12. 1769

Sir

I wrote you the 11th May acknowledging the receipt of several Letters from you ; and again about the middle of June, which I hope you have receiv'd—D^r [Franklin] favor'd me with Notes of what you deliver'd in Parliament, in favor of a Repeal of the Revenue Act. Whatever might have been said in reply to this Speech I am persuaded it was never Answer'd ; The Force of your Arguments appears to me irresistible ; and they who were for delaying this just and wise measure to a more *convenient* Season, will never I believe find [*sic*] such an one. I have made the best and most prudent use of these Notes, allowing some Friends, and the Speaker¹ of the House among others, to communicate them as they tho't might be of advantage, but have suffer'd no Part to be copied, or appear in Print, less thro the Baseness of the Times it might be improv'd to your Disadvantage—I gave in my last an account of the Transactions of the Court at their first coming together ; you will see by the Replys not only of the lower House but of both Houses to the Governors Messages and by the Resolutions, the Temper that prevails it is as I told you it would be, more rais'd and fir'd, by ill Treatment.

The assembly have been greatly divided about the affair of an Agent

It has been generally tho't necessary that a Person should be sent from hence, in that character to be join'd by another on y^r side the Water, to guard ag'st any Misrepresentation of Facts by G. B.² But they have been far from agreeing who these Persons should be. Several leading men among us it is tho't, have secretly desir'd the Trust and have travers'd one another. The Council are zealous for M^r Bollan,³ with whose service particularly in procuring authentic copies of Bernards and Gage's Letters, they are extremely pleas'd—Finding they were not like to obtain his Election by your Ballot with the House they unanimously [chose] him as Agent for the Council.—The House have chosen none, and I am told are not like to agree upon any, so the Speaker is desir'd to send their Papers to whom He pleases, and as he is connected with Deberdt who has still a considerable Interest, He it is probable will be the Person. Thus the Matter stands at present.—How long it will remain so I pretend not to say. But however divided they are in this Point, they were never so much united in the great American Cause, and in the Resolutions they were unanimous. If any of them appears harsh, you must impute it to the Severity with which we have been treated and the irritation produc'd, and continu'd by the ill conduct of some to whom the business of the Crown has been committed.

¹ Thomas Cushing was speaker of the Massachusetts assembly.

² Sir Francis Bernard, Bart., from 1760 to 1771 governor of the province of Massachusetts.

³ William Bollan, for some years agent in England for the province, and afterwards agent for the Council alone.

Great Part of the Navy and Army are leaving us with the Governor and General Mackay. The Lieut. Governor's Conduct, relative to some causes that have come before the supreme Court, in which Military Officers are concern'd, have greatly increas'd a Dissaffection to him. A specimen Copy of the Resolutions before they were finish'd by the House. appear'd in Print, one of which seem'd to claim all Legeslative Authority in Parliament over the Colonies. The Governor immediately sent the Secretary to the Speaker for an authentic Copy. He replied that the resolutions were still under the consideration of the House, and not compleated and that what had appear'd in Print was imperfect and not genuine. I mention this least any advantage c'd be taken of this circumstance. I send you a copy of the Council's Letter etc upon Governor Bernard's Representation, the Baseness of which cannot but be universally detested

I am Sir

To Governor Pownall

Mem

Wrote by Col^o Hoar July 26. by the Ripper Man of War

IV. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON, Sept^r 8. 69

Sir

In one of my late Letters, I gave you a short account, how the affair of an Agent was conducted in the Assembly; but lest that Letter should Miscary, I think it not amiss to Mention this Matter again: The council some of whom have Family connections with M^r Bollan being highly pleas'd with his service in behalf of the Colonies, and on their *own Principles* particularly his procuring authentic copies of Letters laid before Parliament, were disirous he should be appointed agent for the Province, and accordingly with this view propos'd to join the House in a choice; But apprehending they were not like to carry this Point, they soon relinquish'd the proposal of a joint Ballot, and chose him as Agent for the Council, Meaning by this step to testify their regard to him, and secure him some public character, and hoping to induce the House afterwards to make the same choice. But not withstanding the very popular Point of procuring the Letters, no Interest could be made in the House for M^r Bollan as agent, M^r Bowdoin was much talk'd of as a proper Person to take off any Misrepresentation of the Town and Province etc. and [it] was confidently expected by almost all out of Doors that He w'd be unanimously chosen But he was not fond of this Trust himself, his Family connections were also against it for the Difficulty of Satisfying Peoples expectations in such a business. In the House it was objected privately that he was a Manager of the Plymouth company, who were endeavoring to carry the Trial of real estate before the King in Council — In Truth the Leaders in the House were suppos'd at Bottom to have an Inclination for this Trust, at least the *offer of it*. If this was the case as

I believe, they thoroly counter work'd and disapointed each other: so that at the close of the session, they appear'd to care a little about the Matter: and spoke of an Agent as unnecessary, and the House left it with the Speaker to write to whom he pleas'd but soon after appointed De berdt for another year.

Many among us are of opinion that it would be best for the Colonies to have no Agent and concern ourselves no more about Remonstrances and Petitions, which have had hitherto so little effect, and to leave the Ministry to procure their own measures till they find themselves like Governor Bernard *at the end of their Tether*, to which if I mistake not they are by this Time very near if not quite arriv'd. — Our General Court was prorogu'd by S^r Francis, before he left us till January.¹ He is gone home with high expectations of improving the Proceeding of last sessions greatly to our Prejudice; and since his departure we have had copies of Letters of His and others from him and others w^{ch} discover as base and infamous a Design, to compass the ruin of the Province as perhaps any History can parrallel. M^r Hutchinson² when assuming the chair, made a soft complaisant speech to the Council and is prudent en'o not to have so many Councils as in the late administration upon trifling occasions, and beneath the Dignity of such a Body. He would be glad not to [be] tho't by the People to have been very closely connected with S^r Francis etc; but he will find it hard to effect this; and He had indeed not many warm Friends, who were not friendly to the other: so that without a change of Measures at home He will not be able to do much in Favor of Government or to negotiate such ground as you hint it has been led to expect.

Our Merchs. remain firm, you teach us to live more and more within ourselves. Your own Troubles I find increase ev'ry year bring you nearer to War; and almost ev'ry measure has given the enimies of the Nation an advantage a Rupture will at once shew the true state of Britain, and it will awake like Sampson shorn of his strength. But I check myself.

And am dear Sir

To Pownall

V. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON N. E. 1 Jan^r 1770

Dear Sir.

By your last Letters of Sept 25³ I have the Pleasure to find you were safe arriv'd from Ireland: I do not wonder that the Patriots of [that] Kingdom have a sympathy for America. Common Dangers and

¹ "When the Massachusetts Assembly, sitting at Cambridge, had refused to grant the supplies demanded by Bernard, that functionary prorogued it to the tenth of January. When that date arrived, Hutchinson, under arbitrary instructions from Hillsborough, prorogued it still further to the middle of March." *Mem. Hist. Boston*, III. 28.

² Thomas Hutchinson, the lieutenant-governor.

³ There are two letters from Governor Pownall of this date, both printed in Griffin, *l. c.*, 235 ff.

Suffering are apt to unite us, and however free the ruling Nation may be in itself, it behoves the state dependent upon, jointly to guard against encroaching Pow'r. It has been observ'd, however it comes to pass, that the Provinces of a free Nation have commonly much less privelege in comparison with their Fellow Subjects, than those that belong to an arbitrary Prince. Ireland I have ever tho't, has had hard measures, but the Priveledge of granting their own property is still left — should this Natural this constitutional, this unalienable Right be ever torn from these Colonies, I do believe we should be as oppres't and miserable a People as any under Heav'n. Those who profit of the Revenue here would continually employ their invention to enlarge it, without regard to the abilities or Inclinations of the People, to propose new Burdens, new ways and means, and new Securities for the collection, Government would confide generally in its servants here, and see with their eyes, and our remonstrances coming from a distant People, cold upon Paper, and from a People represented as disaffected, would avail little. You cannot wonder that the most sober among us shudder at the most distant prospect of such a situation. We are sensible that before the late Revenue Acts, we were upon a better Footing than that of Ireland, but should the entring wedg remain we shall soon be in a much worse. And we do not wish for an establishment like Ireland Secretary, Secretary Oliver,¹ who has lately been at N. York upon the affair of the Line between that Province and N. Jersey has shewn me a Plan, or rather a few general Propositions for the settlement of America, which he tells me some Gentlemen in that city are fond of, and have wrote home to their Friends to bring forward. — These Propositions have never appear'd in Print: they are not known here; nor have I ever heard of them but from the Secretary. — They mean to establish an *American Parliament*, chosen by the general Legislatures of the Colonies. I have no expectation from this Proposal, imagining it would neither be agreeable to Government at home, from the union it proposes, nor to the Generality here for other reasons, whatever may be suggested by Individuals from this side the Water, the Body of the People are for recuring to first Principles — The old establishment upon which they have grown and Flourish'd. The Charter of W^m and M. gives ev'ry reasonable security to the Nation and Government; for our Subordination — No Mony can be rais'd, no Act pass'd but by the consent of the Governor appointed by the King. Should a disagreeable Act escape it can be annihilated by the King in Council. Moreover the Disposal of Offices civil and Military by the Governor creates a great Interest among ourselves, and even in the Representatives of the People on the side of Prerogative. I might Mention, but need not to you, have said so much. What addition can be made in Equity or Policy to all this; and yet many People seem to imagine that if the Colonies should obtain what they have petition'd for, they must imme-

¹ Andrew Oliver (Harvard College, 1724) was a member of the council from 1746 to 1765, and secretary of the province from 1756 to 1770. In 1771 he succeeded Hutchinson as lieutenant-governor.

diately become independent. When indeed we wish nothing remov'd but innovations and innovations that experience has prov'd to be prejudicial to both countries ; and wish those securities to remain to the Nation, which our establishment, plann'd by some of the wisest men that ever adorn'd that Nation gives ; and which are really the firmest and best that can possibly be given. It is extremely dangerous to touch Foundations — and by resuming any Previlidge granted to the People by original Charters, they may be led to infer that the Restriction on themselves provided for in the same Charters are also vacated.

I have endeavor'd to avail myself of your Letters for the Good of my Country — The Sentiments were so just and Striking that I could not forbear to publish a good Part of them, tho not in the form of an extract from a Letter ; and carefully concealing except from a trusty few, the Hand from whence they came. Not that there was anything thro the whole that would not do you honor, had you been known as the author, but in these Times, I chose to err respecting my Friends on the safe side.

I have wrote you fully upon the affairs of Agency for this Province — Tho I tho't the assembly would do Honor to themselves, and greatly promote the service of this Country by appointing one to this Trust, whose administrations had so happily united the Interest of the Crown and People, yet when I found the leading men among us look'd at it for themselves, I could not wish you to be dishonor'd by being canvas'd for Diberdt was nam'd at Last, and consider'd not as a negotiator, but meerly as a carrier, or Presenter of Letters etc. It is now I find, consider'd as dangerous, by some men of Influence to have any Provincial Agent at all with such Pow'r as formerly given — They say it is inconsistent to object against Representatives in Parliament, and yet put the Province, as it were, into the Pocket of one man, upon whom the Governor has a negative, that the Agent for N. York is appointed only by the Lower House, and that the want of Authority in such an appointment here, was first started by St Francis, and adopted by the Ministry only as a Protest. All this is objected to Bollan, who has prest strongly for more Pow'r, and notwithstanding some warm Friends in the Council will not be able I believe to carry this Point. In his Letter upon this Head, he has given a copy of his former Authorisation which is alarming great, and allow'd him to appear and *Act* for the Province, and in its Name, and in its Behalf, in all cases touching its Interests — The leading men in the House as far as I can discern are not for forming any dangerous alliances, nor throwing themselves into the arms of any Party on your side the Water : and some are ready to wish that we had not even the appearance of an Agent, nor the Form of any kind of negotiations, chosing rather to leave the American Cause to its own Weight.

Our Merchants continue their Resolution not to import, except two or three, whose Dealing are small, and who, perhaps, may soon be discourag'd. — Not long since they came into an agreement not to import till the Duties on Molasses, Sugar etc. as well as the other Revenue Acts should be repeal'd — But the Merchants at Philadelphia etc. not chosing

to alter their first agreement, promising at the same Time, to unite in any future Measures that might be judg'd expedient for the removing ev'ry grievance, our Merchants for the sake of Preserving Union reverted to their former Stipulations. We are just inform'd that the assembly of N. York, has voted by a Majority of one, Supplies to the Troops. This occasion'd great Uneasiness among the People Many hundreds of whom assembled in the Fields, and expres't their Dislike of this Measure. S^c Carolina Assembly has refus'd to make this Provision: and the present House of this Province will remain, I am persuaded, fix'd in their Resolution upon this Point. Tho had they not been wro't up by S^r Francis¹ to an high Temper, they would have refus'd, so warmly, and with such Perempteriness. I am asham'd of the Neglect of our Selectmen in not writing you.— Writing is not their Talent, and I can venture to affirm that their silence is owing to Inattention, and not to want of Regard to you, and a grateful sense of your important services to them and to their country. We are all highly oblig'd to you, and your generous concern for us, will we hope continue these services — I shall write you the Proceedings of the General Court, when it meets. The L^d Governor, it is said, will interpose for removing the main guard from the Door of the Court House; but if the Troops remain in Town, I believe the House will do no business in it. We consider this Metropolis, and indeed the whole Province under Duress. The Troops greatly corrupt our Morals and are in ev'ry sense an oppression. May Heav'n soon deliver *us* from this great Evil, and grant to you and yours ev'ry Blessing.

I am my Dear Sir with great Regard and affection

Your Most Obdt. hum^{ble} Servt

SAM^l COOPER

Governor Pownall.

Mem.

Sent with this Observations of the Merchs on Act of Trade to M^r Pownall and D^r Franklin

VI. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON Jan^y 30 1770

Dear Sir

I wrote you by Capt Hall the 30th of this Month, who promis'd to deliver it with his own Hand. I then told you that the agreement of the Merchs here stood firm, tho the high Party here have promis'd themselves the Pleasure of being able to write an account of its Dissolution before now. Great efforts have indeed been made for this, but hitherto they have been dissappointed — and the Spirit of Non-Importation rather rises than abates. Not long ago the two elder sons² of His Honor the Lieut Governor, Merchants secretly remov'd and sold some Tea w'ch they had agreed with the Merchs. to store, and of wch they had given the Keys This gave an alarm. The Merchs. call'd a Meeting of all

¹ Sir Francis Bernard, the governor.

² Thomas and Elisha Hutchinson.

connected with Trade. This Meeting was large, and increas'd rather than diminish'd by adjournments. The Lieut. Governor soon call'd his council to oppose them: He propos'd a Proclamation to be issu'd ag'st them, as an illegal Assembly: and then that a Message to the same Purpose, s'd be sent them in the Name of the Governor and Council, neither of w'ch with all his address c'd be obtain'd by Him. The Meeting voted to proceed orderly and peaceably in a Body to the House of the Hutchinsons, and some others who had violated their own Voluntary engagements with the Trade: five of the Body were appointed to treat, the rest were to observe a profound silence, w'ch they did. When they came to the Lieut. Governor's House, none of them were allow'd to enter, but his Honor threw up the Window, and appear'd as the principal negotiator. His Honor seem'd willing to consider them as making a tumultuous and threatening application to him as Governor. The Gentlemen observ'd that they came there, not to treat with him, but as the Dwelling of his sons, and reminding him of their dishonorable Violation of their own contract, in w'ch their Honor was depended on. He observ'd, that a contract without a valuable consideration was not valid in Law. Upon the whole the sons refus'd to give any Satisfaction to the Merchs. The evening following His Honor was in great Perplexity, and early the next Morning He sent for M^r. Phillips the Moderator of the Meeting, and engag'd on the Part of his sons, that the Tea s'd be return'd and a sum of Money in the Room of what was sold. This was immediatly [*sic*] reported to the Meeting and accepted. Afterwards He was greatly embarrass'd, sensible that He and his sons were consider'd as the chief Bulwark of those who wish'd to see the Merchants agreement annihilated. He was blam'd for appearing below His Dignity as a negotiator in this business, His sons were blam'd even by his own Friends for their inconsistent and Dishonorable conduct with the Merchs: The commissioners¹ were offended with what they call'd his weakness in this Instance, declaring that he had now given the reins of Government into the Hands of the People, and that he c'd never recover them: — His Unpopularity is increas'd by this Step, He being consider'd as the first Governor upon the continent who has publicly and Directly oppos'd Himself to the Meeting of the Merchs as illegal. He told M^r. Phillips He was ruin'd — The Point was however gain'd by the Merchs., and He could not go back. All that remain'd was to exert himself in council to obtain a Discountenancing such Meetings: and after having wrote to the Body, without the consent of the Council, by Dint of Importunity one Gentleman was gain'd over, and a majority was procur'd for a kind of adoption² of what He had written. The meeting went on Steadily with their Business, and then agreed peaceably to disperse. The last Day of their being together, His Honor summon'd a Number of Justices from the Country to attend him; but this step was attended with no advantage to him, on

¹ Commissioners of the customs in Boston. The board consisted of Charles Paxton, Henry Hulton, William Burch, John Robinson, and John Temple.

² Adaption?

the contrary it disgusted the Town, and particularly the Magistrates of it; and even the council themselves, who consider'd these Justices as a kind of second Board.

The few who continue to import, and who it is said are secretly supported by great Promises, are avoided more than ever by customers, and grow more obnoxious. In the mean Time our own Manufactures take deeper root, and the necessity of Importing English Goods lessens ev'ry Day, some striking Instances of wch had I Time I c'd give you. The Proroguing our General Court by order at a Time when if ever the Province needs the aid of its grand council, is consider'd as a great Grievance as [a] violent stopping of our complaints, and as a direct violation of our charter, wch provides that this shall be determin'd by the King's Representative upon the spot, according to his own judgment upon the Posture of affairs. Moreover such a step, instead of cooling tends to warm the Members more when they come together, and to heighten a spirit wch the Ministry w'd wish to abate. Upon the whole our uneasiness and those circumstances among us, that tend to the Prejudice of Gt. Britain, are upon the growing hand, and Time will confirm the Truth of what you observ'd the last session of Parliament, that then was the fittest season for establishing the Prosperity of the Empire, by just and mild Measures respecting America.

We are waiting with Impatience to know in w't manner the Ministry will make good the Promises they gave us last Summer of easing the Colonies, and how they will extricate themselves out of the Embarrassments at home. With respect to ourselves, besides the Board of Commissioners, there are three grand Grievances to be redres't. The Revenue Laws; the Unconstitutional Pow'rs of the Admiralty Courts, and the Standing Army in Time of Peace. Either of these remaining with us, will prove a root of Bitterness.

I am Sir, with best wishes to you and yours

Your Most Obedt. hum^{ble} Servt.

S. C.

The Hon^{ble} Thos. Pownall Esq^r.

VII. SAMUEL COOPER TO THOMAS POWNALL.

March 26. 1770

Sir

I wrote you not long since on account of the conduct of our Merchants respecting those who had violated their engagements, on the Head of Non-Importation and the Part the L^d Governor took in the affair. This was soon follow'd by the Murder of a Lad¹ from the Discharge of a loaded Muskeut, by an infamous informer w'ch wounded another and endanger'd many more, of wch you will no doubt particularly hear even before this can reach you. But nothing we have ever seen has equal'd the Horrors of the Bloody Massacre on the evening of the 5th Instant

¹ Christopher Snider. See *Mem. Hist. Boston*, III. 30.

when a Party of Soldiers with Capt. Preston at their head fir'd upon the Inhabitants in King Street without a civil Magistrate without the least Reason to justify so desperate a step and without any warning given to the People, who could have no apprehension of Danger. The circumstances that preceded, that accompanied, and follow'd this shocking and unexampled scene of Barbarity you will see in the public and authentic accounts w'ch this vessel hir'd by the Town on Purpose to carry.

The Day following, when the Town assembled, and the Governor met his council, with the principal Military Officers the Town prest for a total Removal of the Troops to the Castle, the council unanimously advis'd it, and Col. Dalrymple, the commanding Officer, Signified his readiness, and even appear'd to desire it; which shows his good Judgment in such a critical circumstance. But the L^d Governor alone was backward would have compounded for one Regiment, and kept the affair in suspense till near night, when he gave way with reluctance. He is by this Time sensible I believe that it is easier to advise and act the second Part in Government, than to stand forward and open in the first Department.

It was a great Favor of Heav'n that the soldiers proceeded no further: That the Inhabitants did not attempt to revenge themselves Instantly; That the Promise of Justice was immediately perform'd and the Party with the Captain deliver'd up to the civil Magistrates. Had more Blood been shed of which there was the most eminent Hazard in the first Heat and confusion our Brethren in the country, apprehending a general Massacre, being on Tip Toe to come to our Defence, no one can tell where it would have stopt, nor what consequences it would have drawn after it, not only in this but in other Colonies: But a Kind Providence interpos'd for us, and we are now happily deliver'd from that Army, which instead of preserving the Peace among us, has in numerous Instances most audaciously violated it, and instead of Aiding has overaw'd and sometimes even assaulted the civil Magistrates, and Demonstrated how impossible [it] is for Soldiers and Citizens at least in our Circumstances to live together. For these and other reasons we cannot suppose that Troops [will] ever again be quarter'd in the Body of the Town.— I could say much upon this Subject but chose to forbear.

The Commissioners have never held a Board since the late Tragical affair, they have adjourn'd themselves from Time to Time, without consulting M^r Temple;¹ and have left the Town ever since the Departure of the Soldiers, and tho not the least Injury or Insult has been offer'd either to their Persons or any thing belonging to them, it is tho't that they are now so sensible of the Public Odium, and so tir'd of their employment, as to wish for a Removal. The night after the Massacre, the State and apprehension of the Town absolutely requir'd a strong Military watch: This

¹ John Temple, one of the five commissioners of the board of customs for North America, and after the war consul-general of Great Britain to the United States. He married Elizabeth, only daughter of Governor Bowdoin, and in 1786 succeeded his kinsman, Sir Richard Temple, as eighth baronet of Stowe.

was kept up till the Soldiers had all retir'd to the Castle, and the Town has been quiet and in good order ever since. The Officers with their Servants and Attendants from the Castle pass the Streets night and Day in their Regiments without the least Molestation or Uneasiness.

M^r Robinson one of the Commissioners sail'd for London more than a week ago. His Intention was kept a profound secret till he had embarked and was under Sail, this has occasion'd many Conjectures. It is reported among other things that he carries Depositions secretly taken, relating to the firing upon the Inhabitants, and hopes for the advantage of making the first Impression. If it should be represented that there was a great Mob in King Street, and the Custom House attack'd, you may depend upon it nothing can be further from the truth as you will see by the Depositions sent.

Our General Court is now sitting at Cambridg. Both Houses are uneasy at their inconvenient Situation. The Representatives sit in the New Chapel without fire. The L^d Governor pleads an instruction from which he cannot, and the House protests ag^t this as an Infraction of the Charter. They are now proceeding to Business, having as the first step, appointed a Committee of Grievances. Such Prorogations instead of humbling do but increase the Spirit of opposition, and by this Time it must be evident to all, that it is absolutely necessary to restore Harmony and Confidence upon a broad, equal, and Constitutional Basis. It gives me great Joy to hear of your Recovery. May God long confirm your Health, and grant to you and yours all good Things. I am my dear Sir, with the most cordial Attachment

Your Obedt. and hum^{ble} Servt.

To Governor Pownall

S. COOPER.

VIII. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON. July 2. 70

Dear Sir

I have receiv'd your repeated Favors, the Dates of which I am not now where I can command, but believe all you have sent have been deliver'd: Tho my ill state of Health and absence from Town have prevented my writing you as I should have done, we are greatly indebted to you for your uncommon services, and unremitted exertion in Parliament, for the joint Interest of Britain and the colonies, for your Speeches — your state of the Colonies, — your attention to the unconstitutional Military Pow'r introduc'd among us in 'Time of Peace: and your concern that the grand securities of British Liberty may be clearly extended. God prosper and reward your generous Efforts. Your Speech in March I immediately communicated to Speaker Cushing. He admir'd it, and carried it to Cambridg the same Day, and read it to the House — it was heard with great Avidity and Pleasure: and we have seen nothing like it from any Member of Parliament. I am astonish'd however that the Reasoning and Force of Expression should have no greater effect in your H. where they ought to have had the most.

I am astonish'd to find upon Gardiner's arrival, by whom I have receiv'd yours of 11th of May¹ how basely the bloody affair of the 5th March has been Misrepresented in the London Papers. It shows the Malignity of some men against this Town and Province. Those who are capable of giving and supporting such false and cruel Representations are the chief source of the Troubles of both Countries, and considering the Disposition of these Persons the Arts they employ, the attention paid to them (Check'd only now and then by *Facts publish'd to all the O*) and the encouragement given them by *Secreting their Names*, I have small hopes of a speedy and cordial accommodation. If any Person here give true Information of what ought to be known by Governm't, it cannot be to their Dishonor. If otherwise, they ought to be expos'd, what chance have we, in our present critical situation, if men disaffected to the Country in general may accuse us, and give a Malevolent Turn to ev'ry Incident, while we can neither know the Authors, nor the Matter of the accusation. I expect from what has already happen'd, that before this reaches you, you will hear inflam'd accounts of the Treatment the Population have given to the Importers and to the Informers, and of Commissioner Hulton's windows being broke at Brookline. The Town at their Meeting yesterday chose a committee to state these Facts. But not knowing in what Light they will be held up, it is difficult to state circumstances so minutely, as to obviate any Misrepresentation. Thus had we been aware of the shockingly false Idea that would have been given of the Military Execution, The Captains [Captions?] tho sufficient as they now stand to disprove it might have been more clear and ample to this particular Purpose. You will see perhaps Proclamations from the L^d Governor and council upon some of these Disorders, Tho no Proclamation has appear'd at N. York upon Several Occasions at least as important, particularly when M^r Rogers was drove out of that City, as an Importer and oblig'd to fly in the night. I am an enemy to all Disorders, and wish they c'd be prevented. But circumstances are candidly to be consider'd.—and a country distinguish'd from a few obscure Persons in it. When Governm't would enforce Measures that People of all orders apprehend to be unconstitutional, there it will and there perhaps it ought to be weak. The commissioners you know having Tarried some Time in Town after Preston's affair, without the le[a]st affront, retir'd into the Country and held no Board since the Breaking of Hulton's Windows, which notwithstanding the reward offer'd, still remains a Mystery, they have gone to the Castle.—attended by Officers of the Revenue Importers etc. The Castle is no disagreeable situation in the Summer Season, and they expect great things Perhaps from the Retirement. But the Plot will not bear a second Acting. Notwithstanding the Infidelity of a few — the Non-Importation Agreement [?] still Continues. It is got in a great Measure under the controul of the Body of the People thro the Continent. The Importers here, wish'd to be restor'd to the Esteem of their country upon any Terms. M^r Rogers particularly have made the

¹ Printed in Griffin, *l. c.*, 269.

most pressing applications: and Individuals I believe will be less inclin'd than ever to act secretly and separately from the Body — and Bills of Exchange go a begging greatly under Par. Commodore Hood¹ unable to dispose of Bills, has borrow'd £5000 sterl. of the Revenue chest, to pay for the King's works at Hallifax. Instead of being, we are becoming, creditors to your Merchants; and some of us have order'd Money, instead of goods to be remitted.

If you knew all the circumstances you w'd admire the Candor of the People to Capt. Preston. The Town order'd the account of his affair, and the Affidavits to be kept secret here, lest they s'd operate to his Prejudice on his Trial, and tho his false Acc't in the London Papers have been reprinted in ours and may be suppos'd to have some effect in the country and in other Provinces, as a Ballance to w'ch it was mov'd in the late Town Meeting, that our own acc't s'd be despers'd, yet this Motion was negativ'd from Tenderness to him. People seem universally to wish him a fair Trial — Tho a Tendency prevails that from Court Favor the Law will be eluded — and indeed the confidence of the People in the Executive Pow'r is greatly awak'ned in all cases that have a Political Connection.

To Gov^r P.

IX. SAMUEL COOPER TO THOMAS POWNALL.

12 Oct^r 70. and Nov 5th

Dear Sir

I am the more obliged to you for the repeated Favors you have done me in Writing this Summer, as my state of Health and visits into the Country have prevented my Letters. Upon my return f'm a late excursion I received y'r Letters² by Capt. White, w'ch I found to be Duplicates of w't Commodore Gambier,³ who arriv'd in our Harbor 2 days ago did me the Honor to convey to me last evening immediately upon his coming to Town. As you have very kindly introduc'd me to this Gentleman, I shall take the first opp.y to pay my respects to him in company with M^r Bawdoin, and s'd be glad to have it in my Pow'r to promote in any measure the ease and agreableness of his Service here. I find you are unwearied in y'r exertions to serve America, and particularly the Province you once so happily Govern'd You will at le[a]st have the homefelt satisfaction that must attend such generous efforts. A Speech said to have been deliver'd the last sessions of Parliam't doing gt Honor to the Massachusetts, f'm our past Services to the Crown, and Strongly pleading that the supreme Military s'd not be separated from

¹ Samuel Hood, a distinguished British naval commander. For his services during the wars of the French Revolution he was made an admiral and created Viscount Hood.

² Refers to the July letters, of which there are three in the King's Library, one with a duplicate. They are printed in Griffin, *loc. cit.*, 274-287.

³ James Gambier, afterwards vice-admiral, from 1770 to 1773 commander-in-chief of the fleet on the North American station. He subsequently served at New York and thence was transferred to Jamaica. His son James was raised to the peerage as Baron Gambier.

the Supreme Civil Command, wch I take to be yours has found its way here, been reprinted, and read with much attention and Pleasure. It will do g't service, as it points out very clearly in some important Instances, the Ground we ought to take: And I could wish with you that we were at all Times wise eno to distinguish *Things f'm Persons*, and to place ourselves on the broadest and most constitutional Bottom. It appears to me of no small Importance that we s'd commit our affairs on yr side the Water to the Conduct of some capable trusty Agents: But w't will be done on this Head is at present quite uncertain — M^r Bawdoin will never accept this Trust, M^r Bollan has the Interest of a great Part of the Council: The House on the other hand notwithstanding his exertions against S^r Fr. do not confide in him upon Acc't of his personal connections here, w'ch I need not particularly mention to you. Some of considerable Influence seem not Sollicitous for any Agent. They say it is alledg'd that one who can do effectual Service must be chosen by the whole Legislature, and this is giving the Governor great Influence in this important Matter, and for this very reason S^r Francis Bernard hinted to ministry an objection to the late Agent of the House, wch objection ought to have operated ag'st the Agent for N. York and others, had there been any Weight in it, and yt they who refuse the negociations of an Agent for the House only would do the same by one chosen by the whole Legislature w'n the nature of the Business was not agreable to you, and that such an Agent, with Pow'rs equal to w't were formerly given, might make such concessions on the Part of the Province at this Juncture that would be irritable: They say further, that Experience has shown in the present Disposition of Men the inutility of all remonstrances and negociation. They therefore seem inclin'd to expect their fate with a Sullen Silence: and almost despairing of the Mildness, they w'd found some Hopes in the extremity of Measures. I think however that we ought to do ev'ry thing in our Pow'r to allay the Storm, and scatter the Cloud of Misrepresentation, f'm w'ch we are so severely Threatn'd, and accordingly I agree with M^r Bawdoin in wishing, that you and D^r Franklin might be joint agents, and if this c'd not be otherwise effected, that M^r Bollan might be added. I s'd be glad if it were in my pow'r to do more in this Matter than barely to express my wishes.

The House pinch'd by the expiration of some important Acts relative to Property, and by the apprehension of a heavy Tax falling upon the Constituents for the coming year, voted two days ago by a considerable Majority, to proceed to Business out of the Town of Boston, and at the same Time, chose a committee to frame some resolutions and as a Protest to save as far as may be, the Privilege for w'ch they have contested. I shall give you the earliest notice of these Proceedings.

The Defection of the Merchants in N. York f'm the non-Importation agreement has render'd it impracticable both here and at Philadelphia to maintaining any longer that agreem't. It stood long however considering how much it was oppos'd to private Interest and did not fall

at last it is suppos'd without a secret exertion of Ministerial Influence : The Measure is exhausted, but its effect may long remain. - The true spirit of it has been a good deal diffus'd thro the Country and there, according to an observation of yours it flourishes in its native soil. There is a proposal here for forming a society for encouraging Manufactures, and at the same Time entring into agreement for discouraging the consumption of British Goods. — The misfortune of my great Friend Capt. Phillips¹ touches me not a little, who without the least warning is depriv'd of an agreeable Settlem't as he had good reason to suppose for Life, by the introduction of regular Troops into the Castle, without any appointm't to alleviate his loss. He is a worthy Man, and I heartily wish some Provision might be made for him. W't impression this Measure makes here, consider'd in a public view, you may easily conjecture. The Commissioners after contributing to this and some other Purposes, by their pretended Fears, and retiring to the Castle, tho no Insult or Injury was ever offer'd to the Persons or any thing belonging to them, in the Town of Boston. After spending their Summer in a situation that in the season was always agreeable to you, and f'm whence they have freely [*illegible*] and visited their Friends in the country, now talk of passing the winter here. If this were not too serious a Subject. Resum teneatis amici.

Novr 5. I had wrote thus far when I was told the vesel was gone. I have now to inform you that the House have chosen D^r Franklin² for their own Agent for one year only. From the Influence of the councils and from various particular connections of their own they were much divided. Some of them have since told me, it was apprehended, that the Agency for the House alone, and with such limited Pow'r, as the House propos'd would not be acceptable to you. The following Week they chose D^r Lee,³ to act in case of D^r Franklin's Sickness or Detention f'm Business: they have done little since they Sat, for the Time: and their Committee for representing Grievances have not yet reported — The Council were astonish'd at seeing an acc't of w't was said at the Board on the 6 March etc. printed in London attested by the Secretary on oath, and the Seal of the Province, which had been kept a profound Secret here, till it was read in the Pamphlet. The Gentlemen present upon that occasion, have given an account upon oath of w't was spoken, opposite it is said in some material circumstances [to] that of the Secretary. The affair was then consider'd by the whole Board, and the conduct of the Secretary was unanimously resolv'd a high Breach of *Trust* and Privilege, all wch tho not printed here is transmitted to the

¹ John Phillips. In 1772 he was restored to office, receiving the appointment of fort-major of Castle William.

² He succeeded Dennis De Berdt, who had been agent in England for the House since 1765. See Franklin's *Works* (ed. Sparks), VII. 493, note.

³ Arthur Lee, brother of Richard Henry Lee, was successively physician and lawyer. He served in various diplomatic capacities in Europe, and on his return to America was chosen a delegate to the Continental Congress. He was a fellow of the Royal Society. See Sparks, *l. c.*, VIII. 57, note; and R. H. Lee's *Life of Arthur Lee*.

Council's Agent. This is another infamous specimen of the means employ'd ag'st this hated and much abus'd Country. L^d Dunmore¹ is arriv'd at N. York, and has 2000 £ sterl⁶ out of the American Revenue commencing nine Months ago, from the Date of his commission.

I am Sir with respect and Affection

Yours Obedt.

To Gov. Pownall

X. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON N. E. 2 Jan' 1771

Dear Sir

I wrote you in Octr and Novr of the state of our affairs here. We have a good cause, but I'm afraid it has not been conducted altogether to that advantage it might have been. I hope however a kind Providence will at length bring it to an happy Issue. Capt. Preston, and the Soldiers tried for the action of the 5th March, instead of meeting with an unfair or harsh Treatment, have had ev'ry advantage that c'd possibly be given them in a court of Justice. In the Dispositions of the Judges — the appointment of Jurors, — in the Zeal and ability of Lawyers,² — in the examination of Witnesses, and in the Length of the Trials unexampled I believe both in Britain and the Colonies in a Capital case, by w'ch the accused had the fairest opportunity several Days after the evidence for the Crown had been given in, to produce and arrange their own. These Trials must one w'd think wipe off the Imputation of our being so violent and Blood Thirsty a People as not to permit Law and Justice to take place on the side of unpopular Men, and I hope our Friends on your side the Water will make this kind improvem't of them — administration has a very favorable opportunity of adopting gentle Methods respecting the colonies.

The agreements of our Merchs are broken, and the grand objection of being threatned and drove ceases. The Hostile appearance in Europe may perhaps lead men of Influence to embrace such an opp^t and they may think it politic to sever the affections as well as the submission of the People here. — I forgot in my last Letter to Mention my Friend M^r Temple who is now in England and who I heard repeated speak of you with much Regard. He even appear'd to me to wish to do the King's Business in the most prudent and faithful Manner, and with the greatest ease and Satisfaction to the subject. I know He will highly value your Friendship. This will be deliver'd to you by the only son of our Friend M^r Baudoin³ a sensible modest young Gentleman, and of a sweet Disposition, who bids fair to support the Honor of his Family. He leaves

¹ John Murray, fourth Earl of Dunmore. In 1770 he was appointed governor of the colony of New York, to which was subsequently added that of Virginia.

² Captain Preston was defended by John Adams and Josiah Quincy, Jr., and was acquitted.

³ James Bowdoin, only son of Governor Bowdoin, was graduated at Harvard College in 1771. He was subsequently appointed by Thomas Jefferson United States minister to the court of Spain.

his Studies at Cambridg, and takes this voyage chiefly on account of his Health, and would esteem himself greatly honor'd by any notice you should be pleas'd to take him.

I wrote you in my last on the Agency, and shall only say once for all, that I did all in my Pow'r for the sake of my Country to bring you into a share of that Trouble. I am D'r Sir with the greatest Respect, and the most faithful attachment

Your Obedt. Hum.^{ble} Serv't

S. COOPER

To Governor Pownall

XI. SAMUEL COOPER TO THOMAS POWNALL.

Sir.

BOSTON N. E. 23 Aug 71

I cannot let Commodore Gambier return to England without giving you my Thanks for Introducing [me] to the acquaintance of so agreeable a Gentleman and worthy officer. His behavior upon this station has been in ev'ry Respect just as you would wish. Ever attentive to the King's Service, He has enter'd into no Parties. He has treated with great Humanity and Politeness all who have had any Business to transact with him. He has befriended and oblig'd the Trade in ev'ry Point consistent with his Duty, as a Commander, and the order and Tranquility He has preserv'd in the Squadron and Town have been truly remarkable. I have heard the most judicious and experienc'd Gentlemen among us and those capable of making the longest Recollection affirm they never knew an equal Instance. Upon these Acc'ts his early and unexpected Departure is regretted, and he leaves Sentiments of Respect and Gratitude in the Breasts of all Parties. The Merchants have given him a public Testimony of such sentiments in their address, and the Town w'd have done the same, had it not been obstructed by some few, who tho't very injudiciously in my opinion that the Service c'd not be seperated f'm the Man, and that such a step must imply some kind of acquiescence in the stationing of a Fleet in this Port. From the same Quarter your Letters etc. were injudiciously treated, and your Interest for the Agency oppos'd because of your conceding the Rights of Parliament etc. Not to mention the unkind Treatment, which in this and several other Instances I have receiv'd from the same Persons. I w'd pride myself however in any thing of that kind that may occur to me from a Regard to the cause of Justice, Candor, and Friendship. I s'd tire you were I to enter into a Detail. Some Things I have mention'd to Commodore Gambier as your Friend. It gives me great satisfaction to reflect that I have ever endeavor'd to improve the Friendly communications you have been pleas'd to make me in these tempestuous Times to your Honor, and the Service of my Country, and that I have in no Instance forgot the Confidence with which you have honor'd me.

I am sir, with Gt. Esteem and Affection

Yours

To G. Pownall

S. C.

XII. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON N. E. 14th Novr. 71.

Dear Sir

After writing you several Times without hearing from you, or knowing that you receiv'd my Letters, I wrote again by Commodore Gambier: since which I receiv'd a Duplicate of yours a long Time after it was dated, which came to me by the Southern Post: and a few days ago another came to me thro the same channel of July 26th¹. I know not by w't Fatality our Letters have thus miscarried or have been delay'd. Those however now Mentioned Made me happy in the assurance of a Friendship and Correspondence from w'ch I have receiv'd great Pleasure and advantage.

It is not true as you have been inform'd that the Spirit of the assembly and of the People is totally alter'd, and that they w'd now gladly receive as a Favor, and ask and hope upon that Tenure w't they before claim'd as a Right. Such Representations tend only to deceive, and mislead Governm't. The Tone of the House, on ev'ry Point of Privilege is as firm as ever: and tho an high Ferment cannot be expected to continue long among the People and the irritation into w'ch they were thrown has abated, yet their inward sentiments are not alter'd, but by far the greater Part have a settled Persuasion that we are in a state of oppression that our most important Privileges are violated, that our Parliam't here ought to come between the Sovereign and the American Subject, just in the same Manner that the British Parliament does with respect to the British Subject, and that whatever takes place contrary to this is (at home an Infringement upon the Prorogative of our Sovereign, who has a right to govern his Dominions here uncontroll'd and even un-influenc'd by either House of Parliam't in Britain) and in America is the Meer effect of Pow'r and not the result of reason or [of] the Constitution. This is the Sentiment w'ch the late Disputes have at length produc'd, and w'ch by long attention to, and frequent Discussion of our Public Grievances does now generally prevail, there being few except those who are Influenc'd by Places and Pensions, and those who do not think at all, but what have adopted it. To convince you that I here give a true representation, and that the People, however tir'd they may seem of Complaining and Clamoring to no effect have yet at Bottom a sense of the Injuries their Rights have receiv'd, and are ready to express this sense as occasion may provoke them.

I will mention to you what has lately taken Place among us, w'ch tho it may seem small in itself, and of no great consequence, is sufficient to indicate the prevailing Temper. The Governor's Proclamation for an Annual 'Thanks'. was to have been read in our churches last Sunday, in w'ch among other things, we are call'd upon to give thanks to Heav'n for the *Continuance of our Privileges*. This was deem'd by the People an open Insult upon them, and a prophane Mockery of Heav'n. The general cry was, we have lost our Most essential Rights, and shall be com-

¹ Printed in Griffin, *I. c.*, 290.

manded to give Thanks for what does not exist. Our congregations applied to the several Ministers in Town praying it might not be read as usual, and declaring if we offer'd to do it, they w'd rise up and leave the Chh. And tho no little Pains was taken by the Governor's Friends to get over this Difficulty and to explain away the sense of the clause by saying all were agreed we had some Privileges left, and that no more was meant by the Public Act than such Privileges as we in Fact enjoy'd, all w'd not avail. Had the Ministers inclined it was not in their Pow'r to read it, a circumstance w'ch never before [took] Place among us. It was read only in D^r Pemberton's Church, of which the Governor is a Member. He did it with confusion, and Numbers turn'd their Backs upon him and left the Chh in great indignation. It was I believe thro want of attention, and an opportunity of consulting one another, read by a Majority of Ministers in the Country Parishes. One Association of the Clergy happening however to meet at the Time, agreed to reject it: and it has been read by few Ministers, if any who have not declar'd either their Sorrow for so doing, or that they read it as a public Act, without adopting the Sentiments: and that it is their intention on the appointed day, w'ch is next Thursday, to give Thanks for the Privileges we enjoy, and implore of the Almighty God the restoration of w't we have lost. It has been said that the Governor's intention in adopting this obnoxious Clause, w'ch tho formerly a customary clause, has been omitted ever since the Stamp Act was to convey an Idea to your side of the water, an Idea that the People were become Sensible that they were really free and happy. If this was his intention He was unlucky in the meanes, and I believe wishes from His Heart He had never made the experiment. I mention these circumstances so particularly in Confidence and because nothing has of late occur'd among us from which you may so well Judge of the Sentiments of the People. I had almost forgot to mention another Clause in the Proclamation w'ch respect[s] the *Increase of our Trade*, which under our present Embarrassments, and the enormous Extention of the Pow'r of Admiralty Courts, was almost as offensive as the other.

You cannot but observe Sir upon the whole how different the Sentiments of the People and the state of things among us are now from what they were when you govern'd us: and w't unhappy consequences the late Measures of Government have produc'd, what seed of contention are sow'd for future Times, when new events in Britain and America will arise. I shall take care to inform you of Things as they turn up, and am with great Esteem and Attachment

Your Obedt Hum^{ble} Servt

To Governor Pownall.

S. COOPER.

XIII. SAMUEL COOPER TO THOMAS POWNALL.

Dear Sir

BOSTON 25th March 73.

The first and Second Paragraphs of the Letter to D^r Franklin of 15 March. 73.¹ transcribed and then proceed as follows.—

¹ The letter is printed in Sparks, VIII. 36. The opening paragraphs to which Dr. Cooper alludes, refer to his own health and the recent appointment of Lord Dartmouth as secretary of state for the colonies.

Whether the Governor will be thanked by administration for his Speech¹ at the opening of the last Session of the General Court you can best tell. It is certain he has gain'd nothing by it here. The Replies of both Houses are read with High Approbation in more Colonies than one; and the People are more confirm'd in their sentiments and encourag'd to maintain them. With all his connections and abilities He is not able to alter the sentiments of this People; and reconcile them to the Measures of Governm't; and the more openly and Strenuously He exerts himself, his Influence and ability to promote such a Purpose becomes the less. This is obvious from the Una[ni]mity of both Houses as well as the Towns. He was obliged, He publicly declares, by the Town of Boston to bring on such an open Descussion. But might he not have expres'd his Dislike of their Proceedings without putting both Houses to the Necessity of declaring as they have done, and giving up by their Silence upon such a Challenge, the cause of their country. It was precisely this situation that in a great measure led the council I imagine to go so far as they did, and bro't them to declare an agreement with the House in the main Principles.

The Governor having refus'd for some Time to pass the Grant for the Salary of the Judges for last year, tho't proper to sign it, upon which the House made another Grant for the year to come, which He did not allow; so that the Matter is not yet com[pleted?].

I have often recollected your predictions and Foresight in wishing and endeavoring for a settlement of these unhappy disputes several years ago. Time has verify'd the Truth of what you then observed, that the longer this was delayed the more difficult it would become. Had a composition been early made, only by annihilating Inovations, and recuring to the old course, which Time and Practice had sanctified, a veneration for the Supreme Authority of Parliament would have been unavoidably left upon the minds of the People Sufficient to have Answer'd all the Purposes that a wise and moderate administration could desire, which the Influence of the Crown, from the great Pow'r reserved by Charter to its representatives would have secretly and gradually extended itself within this Province. But administration misled by artful and interested men here, negotiating for Salaries Perquisites and Pensions has kept up the Contention, and instead of diminishing has added to the Grievances complain'd of. By this Means, the Matter of Right, which if it had slept had been more safe, has been upon the anvill perpetually, both in private conversation and printed Discussion. The Subject has been attended to for a number of years by an inquisitive and sensible People; It has been turn'd round in ev'ry Circle and view'd on all sides. The Effect has been a thoro and almost universal Persuasion that for a People to pay Taxes and be govern'd by Law to w'ch they do not consent is

¹ "Upon the convening of the General Assembly, the governor opened it with a long speech in defence of the absolute supremacy of Parliament over the colonies, inviting both Houses to offer what they had to object against this principle." From the same letter, *L. C.*, 37.

absolute Slavery; consequently, the British Parliament, according to Burlamaqui's¹ Distinction, whatever *external Obligation* it may retain among us, has lost the internal Obligation. The servants of the Crown ought to have foreseen this; and guarded ag'st it, instead of wch, while it has been growing up before their eyes, they have done evry Thing if not intentionally, yet in true Tendency to promote it. There has been a surprizing coincidence of Measure and events to such an Effect: and I should have tho't at the Time you left us, the revolution I now see in the Sentiments and Hearts of the People next to impossible. You know what has been — I write what is, without pretending to [predict?] what will be, only that I shall ever remain, with great esteem and affection yours, Obliged and Most Obedt hum^{ble} Servt

S. C.

I write in Confidence as I have ever done.
To Governor Pownall.

XIV. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON 17 Aug 1774

Dear Sir

My Retirement into the Country this Spring and Summer must be my apology for no sooner answering your last Favor.² Y'r Advice is sound and good to preserve a Moderate and pacific Spirit, but under our peculiar circumstances accumulated Grievances ha[r]d to be practis'd. The Act for blockading the Port of Boston has been executed beyond the Rigor of the Act itself. The Fuel and Victuals are allow'd by it to be bro't us by water. would you believe that our coasters with wood have been not only obliged to stop at Salem for a Clearance, but totally to unload and reload in the way hither: and 240 Quintals sent by our Kind Friends at Marblehead to the distressed poor of this place were not allow'd to be water born not even over Charlestown Ferry, but transported round the country thro Roxbury in Waggons; and yet these are Facts on w'ch you may rely.

We have now a Vice Admiral³ and a Fleet in our Harbor, totally shutting up not only the entrance at the Light House, but 12 or 13 small Ports within that Point, such as Hingham, Weymouth etc., and allowing no Intercommunication between any of them. How much this affects the whole Province, the other Provinces, and what effect it must have on the Trade of Britain, you may easily judg. Even Salem severely feels the want of the Port for the Sale of their Cargoes etc. Lord North's Coasters, as the common people call the Trucks and Waggons carrying Goods between us and that Port, are constantly met on the Road, sometimes to the amount of 40 or 50 in a day. We have 4 Regiments encamp'd on the Common with a large train of Artillery: one on Fort

¹ Jean Jacques Burlamaqui, the eminent Swiss publicist, author of *Principes du Droit Naturel*, Geneva, 1747, and *Principes du Droit Politique*, Geneva, 1751.

² Printed in Griffin, *l. c.*, 299.

³ Samuel Graves, afterwards admiral, commander-in-chief on the North American station. In 1776 he was superseded.

hill: one at the castle, another lately arriv'd f'm N. Scotia is station'd at Salem. The People endure all with an astonishing Calmness and Resolution; neither dismay'd nor tumultuous; supported and encourag'd by the Sympathy and generous Presents from all Quarters of the Country and from our Sister Colonies. These Presents are distributed by a Committee for employing the poor as the reward of Labor. Our Streets are paving public Works in Projection, and ships to be built and sold as a circulating Stock. How long this scene will last, God only knows. Our cause is regarded as a common one by all the Colonies. The most distant, the Carolinas and Virginia seem the most ardent. Our Delegates with those of N. Hampshire sat out a few days ago for the Congress to be held at Philadelphia 1st Septr. All the Colonies f'm Carolina to N. Hampshire will be represented there. All eyes are turn'd towards that important Assembly; and its Decision will [come] with great Weight.

The long expected Bills for vacating the the¹ Charter etc. arriv'd about 10 days ago. I will make no reflections upon them. A number have refus'd to qualify as Councillors. Whether they will change their minds Time will discover. Among these are Capt Erving, Danforth, Russell, Noyes, Vassal, Green, and others. I can hear at present of not more than 12 that have taken the Oath. But a number live at a Distance, and have not yet had an opportunity of discovering their Inclination. Col. Hancock is dismissed f'm his Command of the Cadets upon w'ch the Company sent their Colors to the Governor and dissolv'd.

I make no Conjectures of Futurity. We are in a critical Situation and must wait the event. Perhaps America may yet be sav'd: Heaven grant it

I am etc. yours

S. COOPER.²

To Govr. Pownall

XV. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON N. ENGLAND. 28. March 1777

Sir,

Believing it would not be disagreeable to you, to hear I am well, and have still a respectful and affectionate Remembrance of you, after a long Intermission of writing to England, I embrace this opportunity of sending you a Line, returning you my Thanks for your last Letter, and the Book that accompanied it, tho upon the Subject of both present circumstances will not allow me to say a Word.

If this short acknowledgment ever comes to you it will be delivered by Mr Hixon, a Native of Montserrat, and whose Estate lies in that Island — He was bound on a Plan of Business to London, by the way of

¹ *Sic.*

² A letter from Cooper to Pownall (King's MSS. 203), dated Boston, 9 September 1774, is here omitted, being a duplicate of one of the same date sent to Franklin, and printed in Sparks, *l. c.*, VIII. 132.

Cork, and taken by an American Vessel of War, and brought to this Port, where he has resided ever since last October: In the mean Time he has married my only Daughter and Child. I should not have consented to this Alliance had I not found good Reason to esteem him a Gentleman of Probity and Worth. Your advice, in any Circumstance in which he may need it will particularly oblige me: He can give you a general account of the present Situation of Affairs in America. It will give me great Pleasure to hear of your Welfare. May Heaven grant you all good Things!

I am Sir, with much Esteem,

Your obedient hum^l Servant

Governor Pownall.

S. C.

REVIEWS OF BOOKS

The Oldest Civilization of Greece. By H. R. HALL. (London : David Nutt ; Philadelphia : Lippincott. 1901. Pp. xxxv, 346.)

THIS is a series of "Studies of the Mycenæan Age," expanded from the notes of a scholar who as assistant in the British Museum has had exceptional control of the literature and monuments pertaining to the "Mycenæan Question." It is intended to be of use "both to the scientific archæological student and to the layman who interests himself in the most fascinating search which ever yet allured the seeker after forgotten history—the search for the origins of Greek civilization." It is not a comprehensive manual, but presupposes familiarity with Perrot and Chipiez's *Histoire de l'Art*, Schuchhardt's *Schliemann's Excavations*, and Tsountas and Manatt's *Mycenæan Age*. It has seventy-five carefully selected and well-executed illustrations, some twenty of which are new.

The text forms an admirable guide, either for the tyro or the specialist somewhat bewildered by the mass of his evidences, through the mazes of this difficult subject. In the purely archæological parts of the book the author is fully alive to the uncertainty of much of the evidence adduced, and does not press conclusions beyond the tentative stage. In the vexed and vexing questions of ethnography he is fairly conservative, but without bigotry. There are "Aryans" still, but the Hellenes are not pure Aryans, any more than the Chaldæans were pure Semites. And the "Pelasgians" are neither the "be all and the end all" in Mycenæan origins, as Professor Ridgeway would have us think, nor the myth of Eduard Meyer.

Mr. Hall's general conclusions may perhaps be summed up very briefly as follows: Greek civilization was as far removed as possible from being *sui generis*, since the Ægean basin was the natural meeting place for Eastern and Western influences. But the "Mycenæan" civilization was Greek in origin and general character, in spite of strong Oriental influences. It was "chiefly identified" with the Achæan Hellenes, though there were "Mycenæan" peoples who were not Achæan, or even Greek. The beginnings of the "Mycenæan" culture were probably præ-Achæan, or "Pelasgic." But towards the end of the third millennium B. C., the various tribes of "Pelasgians" were slowly reduced to the position of a subject race by Hellenic tribes from the north. A mixed race resulted, and a remarkable increment in culture; whereas the later and similar incursion of Hellenes from the north which we call the "Dorian invasion" was followed by a sudden decline in culture.

"All the præ-Hellenic tribes of Asia Minor, the Ægean, and Greece proper seem to have belonged to a single un-Aryan race" (p. 101), and to this race the "Pelasgians" are to be assigned. Indeed, for lack of a better term to connote this dark-haired, dolichocephalous race of the Ægean basin, Mr. Hall would prefer "Pelasgian" to "Iberian" or "Mediterranean." Toward such a conclusion as this many a bewildered student of Greek origins must have been slowly making his uncertain way, and he has been helped forward on that way by the very errors of Professor Ridgeway's somewhat erratic book.

The earlier period of the "Mycenæan Age," when Crete was the center of culture and power, is probably præ-Aryan, or "Pelasgian"; in the later period, when Argolis was the center of culture and power, the Aryan invaders from the north had assumed control. But of course this must be merely our working hypothesis until further light from the Cretan excavations modifies or confirms it.

B. PERRIN.

Mediæval and Modern History. By P. V. N. MYERS. Part I., The Middle Ages. (Boston: Ginn and Co. 1902. Pp. x, 454.)

THIS is a very thorough revision of Myers's *Mediæval and Modern History*, Part I., which appeared some sixteen years ago. Much of the text has been rewritten, and while the actual increase in length has not been great, valuable changes in emphasis have been made, errors corrected, and important material added; lists of references have been appended to the chapters; the sections have been numbered and numerous cross-references inserted.

The general impression gained from a comparison of the two books is that the author's knowledge of some important portions of his subject has increased considerably in the interval, while he displays throughout a somewhat more critical and scholarly spirit. In the present work, as in the former, he is strongest where he is dealing with the purely narrative and the cultural sides of history and weakest in whatever has to do with the origin and development of institutions. The best thing in the present work is the chapter on the Renaissance with its appended bibliography; most of it is new and in its fullness is a trifle out of proportion to the rest of the work. For a very brief account of the Renaissance it is one of the best to be found. On the other hand such statements as the following are certainly either very misleading or positively wrong: that the Germans' love of political freedom led them to "set up" feudalism in all the countries of which they took possession (p. 9); that modern parliaments are probably derived "from the general assemblies of the free Teutonic warriors" (pp. 9-10); that the transition from private vengeance to public authority was made when we first know the Germans (p. 67); that the "germs of feudalism" lay in Charlemagne's governmental system (p. 126); while in English history the author speaks of the Salisbury oath as an entire innovation (p. 195), the impression is certainly given that the principle of no taxation without representation is in

Article 12 of Magna Charta, and that knights and burghers sat together in Parliament after 1265 (p. 369, note 3 and p. 371), and English feudalism is given its death-blow in the Wars of the Roses (p. 178, note 10).

The bibliographies at the ends of the chapters are for the most part excellently adapted to the purposes of the book, and the comment is enlightening and useful. A few of them are too long, however, some works being included, it would seem, rather on the general reputation of the authors than on the consideration of their usefulness in this particular place and to this class of readers, *e. g.*, Palgrave's *History of Normandy and England* (p. 201); and occasionally a little too much deference is paid to traditional standard authorities. It is remarkable that a book of such great value as Emerton's *Medieval Europe* is mentioned but twice, and then with no special emphasis.

It is perhaps unnecessary to add what is so well known of the author, that his style is very clear and vigorous, or on the other hand that he is prone to give his young readers most of the old catchy stories and sayings that historical criticism has spared and even some few that it has not. His new chapter on the universities and the schoolmen is a valuable and attractive addition; there is some confusion, however, in his use of the term scholasticism; in one place it is regarded as a method and style of thinking that may appear at any time, in another it is applied to all intellectual activity of whatever sort during a certain period. The book as a whole is interesting and very usable, and while it lacks throughout thoroughly scholarly caution and precision of statement, the author has attained a strong grasp of the period in its broader aspects, and his work has some very substantial and individual merits.

A. B. WHITE.

Tribal Custom in Anglo-Saxon Law. By FREDERICK SEEBÖHM, LL.D., F.S.A. (London and New York: Longmans, Green and Co. 1902. Pp. xvi, 538.)

THE question of the structure of Anglo-Saxon society, which he long ago approached from the point of view of the manorial system, Mr. Seeböhm in this volume approaches from the point of view of tribal custom. Believing that heretofore Anglo-Saxon institutions have been studied in too great isolation, he devotes more than half his work to a brief restatement of the conclusions reached in his *Tribal System in Wales*, and to a more detailed examination, in the light of the Cymric evidence, of the laws of the Irish, of the Burgundians and Visigoths, of the Franks, of the tribes conquered by the Merovingians and by Charlemagne, and of the Norse. When among all these tribes, except those upon whom Roman influences have been especially strong, he finds certain customs existing, he believes that it is not unreasonable to look for traces of these same customs in the laws of the Anglo-Saxons.

The study of tribal custom becomes in large part the study of the wergeld because the payment of the wergeld involved the principle of the solidarity of the kindred, "the strongest instinct which every-

where moulded tribal society." Of this solidarity of the kindred in the matter of the wergeld (of the right, that is to say, of the slayer to call upon his kindred to the fourth or even a more remote generation to aid him in the payment, and the corresponding right of the kindred of the slain to share in the receipt) Mr. Seebohm finds abundant evidence for most of the tribes. He finds, too, that, as in the Cymric group, so among the Norse and elsewhere, joint responsibility of the kin for the wergeld necessitated solidarity of the kin in landholding. For unless everyone in the kin had his "recognized tribal rights in land, unless he were possessed of cattle and rights of grazing for their maintenance, how could he pay his quota of cattle . . . to the wergeld?" The preservation of the family group and the family holding became, therefore, the most important question of tribal society. In *Beowulf*, as Mr. Seebohm shows in a short commentary on that poem, on the failure of male heirs the sister's son is called, even from the chieftainship of his paternal kindred, to maintain the kindred of his mother. Again, the Salian Franks settling between the Loire and the Garonne, were obliged to adopt a somewhat similar remedy in order to counteract the disintegrating influences of their Gallo-Roman neighbors. When there was danger among them of the lapse of *terra Salica*, between which and folkland as defined by Professor Vinogradoff Mr. Seebohm draws an interesting parallel, it was made possible for a woman to succeed to the alod, "the whole bundle of rights and possessions," real and personal, which passed by inheritance. So strong was the principle of the solidarity of the kindred that the church, even while striving to break down tribal customs in the interest of the Roman ideas of individual responsibility for crime and individual ownership of land, was forced in a number of cases to apply the wergeld system to her own ecclesiastical hierarchy.

Of even greater interest than the study of the solidarity of the kindred is Mr. Seebohm's use of the wergeld as an index to the ranks and gradations of tribal society. By a searching examination of the currencies in which wergelds are stated, an examination not always easy to follow, he finds the normal wergeld of the typical freeman of western Europe to be the equivalent in money of a "hundred head of cattle," following in this Professor Ridgway's suggestion that the ox was the equivalent of the gold stater. He finds, too, that the amount of their wergeld throws much light on the condition of the classes below the freemen, the Gallo-Romans, for example, whose wergeld was only half that of the Frank, the freedmen, or "the tribesmen in low position." It is upon these semidependent classes that Mr. Seebohm lays most stress, showing that the real explanation of their lack of freedom lies in the fact that they have not a perfect kin to swear for them or be responsible for their wergeld, and that they cannot attain to a full wergeld until they hold land and can point to four or more generations of landholding kin back of them.

The discussion of these customs of other tribes has not only much interest in itself but it also serves to suggest the lines Mr. Seebohm is to follow in his treatment of the Anglo-Saxon evidence and makes one

impatient to reach the later chapters of the work. Proceeding by his usual method, from the known to the unknown, Mr. Seeböhm discusses the Anglo-Saxon laws from the Norman point of view, as seen in the so-called Laws of Henry I.; from the Danish point of view, as seen in the Institutes of London—of Cnut's reign, Mr. Seeböhm thinks—, the fragment regarding grith and mund, and the Frith of 993; from the Northmen's point of view, as seen especially in Alfred and Guthrum's peace; from the Anglo-Saxon point of view, as seen in King Alfred's and King Ine's laws and the more Romanized laws of the Kentish kings. This method enables him easily to study Anglo-Saxon conditions in the light of continental evidence. From the prominence of wergeld in the Anglo-Saxon laws and the occurrence of "hints" as to other tribal customs not unlike the continental he argues that even down to the time of the Norman Conquest there was a strong tribal element in Anglo-Saxon life. It is impossible here to do more than state briefly some of his chief conclusions.

By a study of the procedure in the payment of the wergeld; by the definition of "manbot" as the payment to the lord of the man slain, and of "fightwite" as the payment to the lord on whose land the slaying takes place; and by a comparison of the evidence regarding grith and mund with the statements in the laws of other tribes with regard to the sanctity of the precinct, he seeks to show that the principle underlying sac and soc—terms coming in with the Danes, he thinks,—goes far back of Cnut's writ to the earliest tribal custom. In line with this statement are his conclusions regarding the division of classes among the Anglo-Saxons. Back from the so-called Laws of Henry I. to the laws of Alfred, with a single recognition of it in the laws of Ine, Mr. Seeböhm finds a division of society into twelve-hyndemen and twy-hyndemen. The twelve-hyndeman is defined as the man with a full kindred of twelve hyndens of oath helpers, whose joint oath is valued at 120 hides; the twy-hyndeman is the man with only two hyndens of oath helpers, whose kindred, that is to say, is incomplete. By identifying the wergeld of the twelve-hyndeman with the ancient Wessex wergeld of the ordinary freeman and by showing that this is the wergeld of the Englishman who is put on an equality with the Norse freeman in Alfred and Guthrum's peace, and may be related directly with the typical wergeld of a "hundred head of cattle," Mr. Seeböhm endeavors to show that the twelve-hyndeman, or thane, is the typical Anglo-Saxon freeman; and that the twy-hyndeman, whose wergeld is one-sixth of the twelve-hyndeman's, is the "ceorl who sits on gafol land," put on an equality for the wergeld in Alfred and Guthrum's peace with the Danish "leysing," or freedman. That all ceorls are ceorls sitting on gafol-land Mr. Seeböhm finds nothing in Alfred's laws to disprove; more than this, by an argument which does not seem to be conclusive, based in part on passages in which the fine for breaking the ceorl's precinct is stated to be one-sixth that for breaking the twelve-hyndeman's, he decides not only that the ceorlisc and twy-hynde classes are for general purposes "convertible terms," but

also that both were gafol-geldas, and that "by Alfred's time the chief practical division of classes had already resolved itself into that between the landed classes on one hand and their gafol-paying tenants on the other." The six-hynde class, the strangers in blood, Mr. Seebohm suggests, whose wergeld, like that of the Gallo-Roman, is fixed at half the freeman's, is "a rung in the ladder" by which the dependent classes once climbed into the possession of land and kindred, a rung which later dropped out.

Back of Alfred, Mr. Seebohm finds that the division into twelve-hynde and twy-hynde men practically disappears and a new division into gesithcund and ceorlisc men becomes prominent. These earlier and later divisions, however, he believes come to mean practically the same thing. From the value of the gesithcundman's oath, from King Ine's law regarding the 10 hides "to foster," and from the relation of the gesithcundman to the king, the interesting conclusion is drawn, but not proved, that the gesithcundman may have been given a ten-hide unit of land from which he was to pay the king's gafol, that is, the *firma unius noctis*, making for this purpose a part of his land gesetland held by gafol-payers in much the same position towards him that he is in towards the king. This dependence of one class upon another is not the result of degradation, but may be explained by the conditions of the original conquest. Thus proceeding along tribal lines alone, Mr. Seebohm would find early in English history something very like Professor Maitland's technical definition of a manor. The "free lordless villages" of Professor Maitland, which are, of course, a stumbling-block in the way of such early and wholesale manorialization, are ascribed to Danish influences.

However far one can go with Mr. Seebohm in some of these conclusions, — and he himself admits that approaching "a subject which has many sides from one side only necessarily results in the restatement rather than the solution of some problems" — it must be agreed that he has succeeded in elucidating some of the dark passages in Anglo-Saxon law, in giving new and very interesting meaning to many terms in that law, and in establishing his point that tribal custom must not be disregarded as one factor in Anglo-Saxon economic development.

N. NEILSON.

L'Empire Carolingien: ses Origines et ses Transformations. Par ARTHUR KLEINCLAUSZ. (Paris: Hachette. 1902. Pp. xvi, 611.)

Quomodo Primi Duces Capetianæ Stirpis Burgundiæ Res gesserint, 1032-1162. Thesim Facultati Litterarum Parisiensi proponebat A. KLEINCLAUSZ. (Dijon: Barbier-Marilier. 1902. Pp. viii, 116.)

It is doubtless to the French custom of requiring for the doctorate two theses, one in Latin and one in the vernacular, that we owe the simultaneous appearance of these two works. That this does not argue the youth of their author need not be pointed out to any who know what

goes to the making of a French thesis and how many of the maturest products of French scholarship have thus seen the light. Dr. Kleinclausz, for some years a *Chargé de Cours* at the University of Dijon, is even on this side of the Atlantic already known by name as the scholar to whom, with Professor Bayet, has been assigned the Meroving-Caroling portion of the magistral co-operative history of France now appearing under the editorship of Lavissee.

That even a French *doctorandus*, however, should in this day of specialization attack such a theme as the Carolingian Empire is a notable thing. True, Mr. Bryce's *Holy Roman Empire* was originally but an Oxford prize essay; but there have not been wanting those who have cited precisely this classic of Mr. Bryce as the sort of thing we might never hope for again from the universities. M. Kleinclausz has undertaken — he has even borrowed Mr. Bryce's words to state his purpose — to do for the Carolingian Empire what Mr. Bryce has done for the Empire as a whole. If his task is narrower, it is yet vast; and to a much larger degree it rests on first-hand research; for the Carolingian Empire, as such, has thus far lacked a monograph. Even the noble study of Döllinger, to which all later scholars (and not least M. Kleinclausz) owe so much, breaks off its narrative with the crowning of Charles the Great; what further interests it is only the survival of that event in the tradition of the Germanic Empire.

To the origins of the medieval Empire, from the fall of Rome to the coronation of Charles, M. Kleinclausz, too, gives much space — a third of his book; and if in this much-worked field he has given us nothing new, he has shown everywhere a sane and independent judgment. Even those of us who are still fain, with Döllinger, to attribute the Donation of Constantine to an earlier day than Pope Hadrian's, or who are ready, with Einhard and with Hauck, to believe the great Frank an unwilling emperor, must admit the fairness with which his lucid narrative, while accepting views now more current, leaves room for free interpretation. He maintains, indeed, that the Carolingian Empire was the creation less of men than of circumstances; and not Hauck himself has so clearly shown how slow was Charles to take up the new function, or how essentially ecclesiastical he counted it.

But to M. Kleinclausz all this is introduction. The heart of his book is the story of that neglected century following the death of Charles, to which Mr. Bryce, even in his latest edition, gives less than three pages. To show that throughout this period the idea of the empire remained potent, — that the struggle of great statesmen to realize and maintain it explains the tangled politics of the reign of Louis the Pious, — that even after the partition of Verdun had dealt it a death-blow the "*régime de la concorde*" inherited the moral ideals of the older "*système de l'unité*," — that the princes who still grasped at the imperial title — a Louis II., a Charles the Bald, a Charles the Fat — were men of sounder abilities and loftier aims than is commonly supposed, — that even when its effective territory had shrunk to the mere realm of Italy and less the

Empire still lived its larger life in European thought, and had not faded from the dreams of men before the Ottos gave it new reality: this is his central theme. Suggestion he owes to Himly and to Lapôte, and much of pioneer work to those German scholars whose views it gives him so keen a satisfaction to oppose; but the results of his own research are large and fresh and important. One important document accepted by earlier scholars—the letter of Louis II. to the Greek Emperor Basil—he rejects as a forgery; and a chapter is devoted to proving it so. Its inspirer, thinks M. Kleinclausz, was Pope John VIII. himself, its probable author the librarian Anastasius, its true date the year 879.

The Latin thesis of Dr. Kleinclausz is a less ambitious essay. The first five Capetian Dukes of Burgundy have been sadly eclipsed by their more self-willed and aggressive successors; but from the scanty records left us M. Kleinclausz is able to show how it was their tact, their loyalty, their piety, their patience under royal assumption and feudal turbulence, that made possible under changed conditions the duchy's later prominence. These showings in no wise contravene, but happily supplement the results of such other modern workers in Burgundian history as Petit and Seignobos.

GEORGE L. BURR.

The Growth and Decline of the French Monarchy. By JAMES MACKINNON, Ph.D. (London: Longmans, Green and Co. 1902. xx, 840.)

DR. MACKINNON tells us that his book "has grown out of a desire to investigate the origins of the French Revolution." Since these "causes were indirect as well as direct, remote as well as immediate," he found it necessary to review "the history of monarchic France from the Middle Ages onward." But becoming "engrossed" in his subject he studied it "apart from its direct bearing on the Revolution." Looking "at each successive reign from the standpoint of its effects on its period rather than on the future" and regarding the growth of the monarchy as "a process of evolution," he has written "as much a succinct history of the French people as of the French kings." Unfortunately, however, in working out this rather ambitious and inclusive plan he has fallen into several grievous errors.

In his desire to wear a new path through an old field he has been too negligent of critical monographic writing. He has therefore, in view of the pretentious character of his work, incorporated into the details of his narrative an inexcusably large number of mistakes: *e. g.*, the unqualified statement (p. 23) that Colonna subjected Boniface to personal violence; (p. 25 ff.) the prominence given to the Salic law in determining the succession from Philip V. to Philip VI.; (p. 31) Charles of Evreux could have no "prior claim" over Edward as the nearest male descendant of Philip IV.,—Charles, by the way, was not born till 1332; (p. 38) the Hundred Years' War was much more than "a mere genealogical contention," and at least part of the blame for it (p. 85) must

be laid on others than the English King; (p. 116) the assembly which Louis XII. consulted concerning the marriage of his daughter was not a "States-General" in the strict meaning of that term; (p. 652) the "complimentary, nay, even affectionate epistles" from Maria Theresa to Madame de Pompadour have been discredited.

In the second place Dr. Mackinnon is unfortunate in his point of view. He interprets everything too much from the vantage-ground of achieved fact, and hears in almost every disturbance in French history the early rumblings of the Revolution. He is, moreover, too intensely modern (p. 347) to enter sympathetically into the spirit of the times he is attempting to portray: *e. g.*, (p. 58) he cannot conceal his disgust at the "mad fourteenth century," that age of the "fighting maniac"; and (p. 111) he is far less just than Adams in his comments on Charles VIII. and his Italian venture. His "grand test of the value of any government is contained in the question, What did it do for the people?" As a modern standard this will do, but to push it back into the period when monarchy was fighting for its life against feudalism, or to make it the only standard before France attained to some small sense of nationality must necessarily result in perversion of judgment and undue harshness in estimating men and events.

To insist too strenuously that the structure of government is of minor importance "compared with the question whether its acts affected France, for the time being, for good or evil," is to run the danger of losing the idea of "evolution" for that of mere chronicle. This is apparent, for example, in the chapter on the Capetians, which one could read and not easily discover what has been called the "debt of gratitude" which France owes to this line of kings, or see, as Funck-Brentano points out, that this dynasty was not so much a self-creation as the product of the conditions which then prevailed.

In striving to maintain the "dramatic" style of his *Edward III.*, Dr. Mackinnon often falls into exaggeration and overstatement; but this is more easily condoned than the vulgarity which too frequently appears: *e. g.*, (p. 77) "the priest gets drunk . . . abducts by night some hussy of a nun to his presbytery"; (p. 204) Catherine de Medici is described as "the worthy dam of such a brood as Charles IX. and Henry III."; (p. 594 ff.) the chapter on Louis XV. and his mistresses could undergo a thorough expurgation and yet convey an adequate idea of the influence of the King's secret sins and public debaucheries on the undoing of the monarchy.

The book as a whole is of the nature of a philippic against absolute monarchy, that "colossal system of usurpation and egotism" (p. 108) whose chief advocate, in setting forth his claims (p. 347), is guilty of the most "arrogant nonsense." But in view of all that has been written on French history it seems hardly necessary to compile eight hundred and fifteen pages before daring to "hazard a definition" of the Revolution as "a reaction against misgovernment, the misgovernment of a long series of absolute kings."

WALTER IRENAEUS LOWE.

Geschichte Belgiens. Von HENRI PIRENNE. Uebersetzung der französischen Manuscripte von FRITZ ARNHEIM. Band II. Bis zum Tode Karls des Kühnen (1477). (Gotha: Perthes. 1902. Pp. xxviii, 594.)

AN author obliged to submit to the disadvantage of having his work appear in a foreign tongue before it is known in the original is greatly to be congratulated that a translation is as satisfactory as this of the second volume of Pirenne's history of Belgium, which like the first is published in a German setting made from the French manuscript. In this shape it forms the thirtieth work in the great series entitled *Geschichte der europäischen Staaten* edited by Heeren, Akert, von Giesebrecht, and Lamprecht. Now that the first volume is out in French it is possible to compare Pirenne's style with Arnheim's rendering of his substance. Naturally the balance is in favor of the former. There is a vivacity, a fluency, a lightness of touch in that, lost or overshadowed in the heavier German. But it must be conceded that the difficult task is well done and that the translator has been faithful without showing too great servility in using verbal equivalents where in German the thought naturally fell into other terms. This is fortunate for the author's reputation, because it is probable that the series will carry the translation with it into many quarters where the isolated *Histoire de Belgique* will not penetrate.

Volume II. opens with a study of the political situation in the Netherlands just before the outbreak of the Hundred Years' War (1337) and ends with an exposition of political and social conditions after the death of Charles the Bold. The treatment is somewhat less original than that of the matter discussed in Volume I., when Pirenne wished to urge a definite thesis and to trace his own theories of the essential unity in the development of the southern Netherland province as the meeting ground of Gallic and Teutonic civilization. Belgium was, in his opinion, a "microcosm" of western Europe, wherein could be observed the web of French and German influence. His manner of defending this thesis has brought upon him the charge of being too Flemish in his sympathies. Funck-Brentano sighs for a competent Walloon to combat Pirenne's assertion of Flemish preponderance in the making of the new nation. Again it is said that he underestimates the influence of the Church. But, in the main, critics and fellow-scholars have applauded his conclusions, and thought that he has skilfully deduced the essential history of Belgium as existent apart from Germany and France and shown that the little land has not been the plaything of chance in its growth. In this later period there is less to be argued, and controversy plays a slighter part, though the one theme of the growth of the national germ is constantly kept in view.

Owing to the impossibility of comprehending the rise of the Burgundian states without a knowledge of the political and diplomatic events accompanying its growth, the author has given more space to political history than in his early chapters. In a portion of this chronicle he has

availed himself of the work of other authors, such as the delightful *Le Siècle des Arteveldes* of Vanderkindere and the *Essai sur le Rôle Politique et Social des Ducs de Bourgogne dans les Pays-Bas* of Paul Frederique, while he touches but lightly on the story of the northern provinces of the Netherlands, leaving that to his Holland colleague, Professor Blok. It is, however, just this political story, necessarily a condensed narrative, that makes this volume less individual in its effect than its predecessor. Condensed history is always hard reading, and it would be easier to take each section in an elaborated form as indicated by the references.

But in a chapter like that on the city in the fourteenth century Pirenne is at his best. In her municipal evolution, as in other processes of development, he regards Belgium as the experiment field for Europe, and his interest is therefore apart from local considerations. His own studies on various phases of this subject have been detailed, as can be seen in such articles of his as "L'Origine des Constitutions Urbaines, au Moyen Âge," "La Hanse Flamande de Londres," and others, and he must command a hearing even if all his conclusions be not accepted, as for instance, the municipal origin in the merchant community.

The exclusion of all details of purely local importance gives direct force to the argument, but also paints the text with a somber tint. In sum, it may be said that the best gift offered by the Ghent professor is bibliographical. This volume has a peculiar value as a splendid pathfinder to various phases of the fourteenth and fifteenth centuries as they can be seen in the Netherlands. With this and his new edition of the *Bibliographie de l'Histoire de Belgique* Pirenne has rendered great service to students.

RUTH PUTNAM.

La Lettre et La Carte de Toscanelli sur la Route des Indes par l'Ouest. Addressées en 1474 au Portugais Fernam Martins et Transmise plus tard à Christophe Colomb. Étude Critique sur l'Authenticité et la Valeur de ces Documents et sur les Sources des Idées Cosmographiques de Colomb suivie des Divers Textes de la Lettre de 1474 avec Traductions, Annotations et Facsimilé. Par HENRY VIGNAUD, Premier Secrétaire de l'Ambassade des Etats-Unis, Vice-Président de la Société des Americanistes de Paris, etc. (Paris: Ernest Leroux, Editeur. 1901. Pp. xxvi, 319.)

Toscanelli and Columbus: (Then follows as sub-title a translation of the above). (New York: E. P. Dutton and Co.; London: Sands and Co. 1902. Pp. xix, 365.)

La Solution de Tous Les Problèmes Relatifs à Christophe Colomb et, en Particulier, de celui des Origines ou des Prétendus Inspirateurs de la Découverte du Nouveau Monde. Par M. GONZALEZ DE LA ROSA, Membre de la Société des Americanistes de

Paris, Ancien Professeur de l'Université de Lima, etc. [Mémoire extrait du Compte rendu du Congrès International des Américanistes, tenu en Septembre 1900.] (Paris: Ernest Leroux. 1902. Pp. 22.)

A LITTLE over thirty years ago Mr. Henry Harrisse challenged the authenticity of Ferdinand Columbus's *Life of Christopher Columbus*, which a generation earlier Irving had pronounced "the corner stone" of American history. Mr. Harrisse's startling skepticism led to a protracted controversy which is not yet closed. Even more startling and equally unsettling in its possible effects upon the accepted history of the discovery of America is the recent impeachment of the authenticity of the Toscanelli letters, upon the basis of which D'Avezac in 1871 pronounced Toscanelli "the initiator of the discovery of America."

Inasmuch as the elevation of Toscanelli to this pre-eminence is distinctly the product of modern critical scholarship, for it dates from Humboldt and is not a long-standing tradition of uncertain origin, or merely the assertion of a preface and a title-page of a translation of a lost original, the contention of Señor de la Rosa and of Mr. Vignaud at first sight seems far more improbable and much less likely to be established than was the case with Mr. Harrisse's attack on the *Historie* in 1871. The discrediting of the Toscanelli letters originated with Señor de la Rosa, formerly a professor in the University of Lima, but for the last ten years engaged in critical studies relating to Columbus. He published his conviction in 1899 "that the pretended correspondence of Columbus with astronomers played no part in the discovery of America." In 1900 he read the paper, whose title is given above, before the International Congress of Americanists. Before this he had convinced Mr. Vignaud, who had been long engaged in the study of the early Portuguese voyages, that the reasons for rejecting the Toscanelli letters were valid, and Mr. Vignaud had begun a special investigation of the subject, the results of which he presented at the same Congress. Señor de la Rosa, not being ready to publish, placed at his disposal a good deal of material, and in the course of his studies and in writing the book Mr. Vignaud developed many arguments of his own and arrived at conclusions divergent in important respects from those of Señor de la Rosa. The exact relation between the two critics is clearly stated in the dedicatory letter and preface to the French edition of Mr. Vignaud's book. So far as I know, Señor de la Rosa has not published anything later than his paper of two years ago. During the last year, however, Mr. Vignaud has prepared an English edition of his work with revisions and considerable additions and also replies to several of his reviewers.

The question at issue is so complicated that in the space available for this review it will be possible only to outline the most important arguments urged against the authenticity of the Toscanelli letters, to comment upon some of them, to point out some instances in which the arguments are certainly pushed too far, or in which the evidence is not correctly

interpreted, and, finally, to give some general impression of the present status of the controversy.

The negative evidence as summarized by Mr. Vignaud consists of the following points: (a) The originals of these documents no longer exist and no one is on record as ever having seen them. (b) Of Fernam Martins, Canon of Lisbon and adviser of Alfonso V., to whom the first Toscanelli letter was addressed, no trace can be found in the Portuguese chronicles or archives. (c) No mention of or reference to Toscanelli has been found in these chronicles and archives. (d) There is no trace outside these documents in question that as early as 1474 the project of crossing the Atlantic had been thought of in Portugal. (e) The contemporary Italian authors who mention Toscanelli and describe his literary activities knew nothing of any such correspondence or that he ever took any interest in an ocean route to the Indies. (f) No reference to this subject has ever been found in Toscanelli's papers. (g) Columbus in all the years he was trying to get a hearing never referred to Toscanelli's authority in support of his project, nor later in his journal, letters, or marginal notes where he refers to many authorities, is there any reference to Toscanelli. (h) The Latin text of the letter to Martins is too ill-written to have come from a Florentine scholar of the Renaissance. (i) Las Casas had not seen the original text of this letter and gives us no satisfactory account of how he got hold of the correspondence except that it was in the Columbus materials that he got from the family. (j) The author of the *Historie* does not tell where he got them. (k) In 1474 the question of a route to the East Indies and of participating in the spice-trade had not arisen in Portugal. (l) King Alfonso was not giving any attention in 1474 to new explorations. If he had been, his own sailors would have been his best authorities, and not a Florentine scholar. (m) The letter to Martins is based on the cosmographical system of Marinus of Tyre, which is known to us only through Ptolemy, which was not printed in 1474. (n) Toscanelli might have known this system from a manuscript of Ptolemy, but as Ptolemy explicitly confutes the deductions of Marinus from the facts known to him, a scientific man like Toscanelli would not have adopted Marinus's views. (o) The geographical and political nomenclature of the letter follows Marco Polo. In fact, it had been obsolete for a century and a half in China, yet in the letter there is an account of an interview which Toscanelli had with an ambassador from China (of whose presence in Italy there is elsewhere no record) yet without learning that the Polo nomenclature was no longer in use. (p) The cosmographical ideas in the letter are identical with those of Columbus; these ideas he expressly and explicitly attributes to the *Imago Mundi*, Marco Polo, Mandeville and Ptolemy, and he never mentions Toscanelli. (q) The second Toscanelli letter, written to Columbus, is practically identical with the Martins letter and is apparently the first draft of it. (r) The map which Columbus had on his voyage indicated certain islands in the mid Atlantic; these indications he relied upon confidently; of the existence of such islands Toscanelli could not have known nor

would Columbus, the seaman, have relied so surely on the conjectures of a mere scholar (pp. 245-249 of the Eng. ed.). It will be conceded that this array of negative evidence is formidable if not convincing. It certainly reveals much that is in a high degree perplexing.

I will now make a few running comments on some of these arguments to indicate their strength or weakness. It is certainly a striking fact, if King Alfonso asked for a statement of Toscanelli's views and received it, that no reference to it is to be found in the contemporary chronicle of Ruy de Pina or in the archives, or in the elaborate history of the Portuguese discoveries that Joao de Barros wrote in the next century based on the contemporary chronicles and archives. Especially striking, however, is the absence of any such indication in the accounts given by Barros of Columbus's presentation of his case to the King of Portugal of any knowledge on the part of King John, or of the junta of scientific men, or of Columbus, that, some ten years before, King Alfonso had inquired of Toscanelli and received the answer that the project of a western voyage to Cipangu was perfectly practicable. Could King John and his geographers have been ignorant of the fact, or could Columbus have refrained from referring to it if he had received a letter from an eminent scientific man, mentioning that he had recommended such a plan to the King? Our Portuguese authorities simply say that to King John Columbus seemed a boastful man and that the geographers thought his words about Cipangu mere chatter and all derived from Marco Polo. (Barros Dec. I., Bk. III., ch. XI.) Mr. Vignaud mentions this silence (p. 38) but does not press the argument as much as he might.

Again, if Toscanelli had given such thought to the problem of a western route to the Indies and had corresponded with the Portuguese court and with the subsequent discoverer of the New World it is very difficult to explain why his intimate friend Vespasiano da Bisticci, who lived till 1498, gives not the slightest intimation of the fact in his life of Toscanelli. In Vespasiano's admiring pages Toscanelli is the accomplished ascetic scholar and charitable pious physician, the greatest astrologer of his age and the friend of the leading Florentine literary men; but of Portugal, the spice-trade, the Indies or Christopher Columbus, there is not a line. (See Bartoli's ed. of Vespasiano's *Vite de Uomini Illustri*, pp. 291, 475, 481 and 507-509.) A comparison of Vespasiano's two-page sketch with Uzielli's 780 folio pages is at least suggestive. Mr. Vignaud's treatment of Vespasiano's silence is limited to a mere mention of the fact but it deserves elaboration.

The silence of Columbus in regard to Toscanelli during the tedious years when he was trying to get a hearing is almost inexplicable. The absence of any reference to Toscanelli amid the display of authorities in his later writings, ranging from Aristotle to the fourth book of Esdras and from Marco Polo to John Mandeville, is hardly less perplexing. It is easy to say with Ruge, that this was only one of the many deceptions of Columbus, but that explanation still leaves ground for perplexity.

One of the arguments upon which Mr. Vignaud places the greatest

reliance, is that in 1474 the Portuguese had no thought of participating in the spice-trade or of circumnavigating Africa, and of thus reaching the Indies, and that consequently they could have no interest in a westward route to the Indies at that date. To prove that Prince Henry had no thought of getting around the southern end of Africa Mr. Vignaud gives a forced and, I believe, an indefensible interpretation to the words "Oceanum mare versus meridionales et orientales plagas" in the Bull of Nicholas V., 1454. These words he explains as shores of Africa trending south and east instead of southern and eastern shores. He advances no proof that the words *orientalis plaga* do not mean exactly what the English words "eastern shore" mean, *i. e.*, a shore facing east and trending north and south. He also ignores the grant of Calixtus III., 1456, of spiritual jurisdiction in Africa "a capitibus de Bojador et de Nam usque per totam Guineam, et ultra illam meridionalem plagam usque ad Indos." Now while the phrase which is used in the Bull of 1454 descriptive of Prince Henry's design to open to navigation "mare ipsum usque ad Indos qui Christi nomen colere dicuntur" no doubt refers to the subjects of Prester John, whose realm was generally located in Abyssinia in the early fifteenth century, the unqualified phrase "ad Indos" cannot be rigorously limited to Lesser India or Abyssinia. A glance at the map of Fra Mauro of 1459, which records the results of Prince Henry's explorations shows clearly enough in its practical elimination of the Indian Ocean that any plan of exploration which aimed at reaching the realm of Prester John, by water involved circumnavigating Africa and approaching as near Calicut as the distance from Portugal to Greece.

To test the assertion that the Latin letter is too ill-written to have come from a real scholar in Florence during the Renaissance Professor Wagner of Göttingen submitted it to Professor Wilhelm Meyer, who reported that so far as the language is concerned the letter contained nothing inconsistent with the supposition that it was written by a humanist. There is one linguistic test, however, that ought to be applied and that is to determine whether the writer really thought in Spanish or in Italian. If the letter was forged in Spain by some one of the Columbus family the Latin ought to reflect in places the Spanish idiom. If it clearly reflects the Italian idiom that would militate against its having been written by a man who has been speaking Spanish for years and in favor of its authenticity.

The assertion lettered (1) is too positive. In that very year 1474 King Alfonso granted to Farnão Telles any islands he might discover in the ocean sea except in the region of Guinea (Algun's *Documentos da Torre do Tombo*, 38). For a discussion of other points in Mr. Vignaud's argument which it has not been possible to take up here, the reader may be referred to the very thorough criticisms by Sophus Ruge in the *Zeitsch. der Gesellschaft für Erdkunde zu Berlin*, No. 6, 1902, and by Professor Hermann Wagner in the *Göttingische gelehrte Anzeigen* for Feb., 1902. In the view of both these critics Mr. Vignaud has not made out his case. Professor Ruge in particular seems unshaken in his conviction of the authenticity of the letters.

But a few words can be said of the hypothesis to account for the fraud. Señor de la Rosa accounts for it by Columbus's vanity. Just as he falsely claimed relationship to the French semi-piratical Admiral Coulon, so he wished to be thought the correspondent of scientific men and to show by the correspondence that he had formulated his plan many years before he carried it into execution. But why should he not have paraded this correspondence in some of his works? Mr. Vignaud believes that the letters were forged by Bartholomew Columbus to protect Christopher's claims to being a scientific and original thinker from being impaired by the widely current story that he got his ideas from a dying pilot who had been blown across the Atlantic. This pilot story Mr. Vignaud successfully puts upon a new footing by bringing out the fact that Las Casas testifies that it was generally believed in Hispaniola as early as ten years after Columbus's first voyage and by sailors who came on that voyage or later voyages with Columbus. It has commonly been regarded as a rumor which is first mentioned by Oviedo twenty odd years later. At the best, however, the explanations of the supposed forgery are mere conjectures. The lack of an hypothesis which will show how any real advantage could accrue to Columbus or any of his family which could serve as a sufficient motive reacts in favor of the authenticity of the documents, and Las Casas's firm belief in them must count heavily in the same direction, although it must be said that he believed and reported much about Columbus that seems irreconcilable with the records.

It must be acknowledged in any case that Mr. Vignaud's first publication in this field of studies, making all due deductions for errors and misprints due to haste, for some cases of begging the question, of reasoning in a circle, and of forced interpretation, is a remarkable piece of work. It arouses a keen interest not only in his proposed study of the early Portuguese voyages but particularly in the work which Señor de la Rosa has in preparation. Both are radical iconoclasts and their trenchant challenge of the accepted critical structure of the history of Columbus will, by the discussion evolved, turn the light on the obscurer parts of the foundations. The present writer must acknowledge that it has for him put a very large interrogation-point after the Toscanelli letters and map and that while he feels that successful replies may be made to many of Mr. Vignaud's points there still remains enough to compel for the present a suspense of judgment. If only Señor de la Rosa is able to fulfill the large promise of the title he has boldly prefixed to his pamphlet!

EDWARD GAYLORD BOURNE.

Europäische Politik im cyprischen Krieg. 1570-1573. By PAUL HERRE. Erster Teil; Vorgeschichte und Vorverhandlungen. (Leipzig: Dieterich. 1902. Pp. xi, 165.)

DON JUAN and the Battle of Lepanto have had their historians, Stirling-Maxwell, Boglietti, Porreño Rosell, Jurien de la Gravière, and Manfroni, not to mention a host of other writers of the dilettante, nation-

alist, or religious sort, whose effusions the serious historian can forgive and forget. But until now no one had written of the long diplomatic negotiations which were necessary to reconcile the conflicting selfish interests of the South European states before a league could be formed and the united fleet be collected with which Don Juan should win his dramatic victory. This is what Mr. Herre has done, and done well. He begins with a suggestive summary of crosscutting lines of cleavage which divided all Europe at the close of the Reformation and which rendered especially difficult the formation of any league which should include several states. A second chapter gives a good account of the encroachments of Selim II. upon Venetian territory in the east and his final ultimatum for the cession of Cyprus, the refusal of which, in March, 1570, led to a state of war between the republic and the Porte. But Venice, even with her great fleet, could not hope to be victorious and save Cyprus, unless aided by the rest of Christendom; hence the necessity for a league, the negotiations for which Mr. Herre follows step by step in the different countries of western Europe. Pope Pius V., enthusiastic and optimistic, grasped eagerly the idea of a Holy League and at once became its most ardent champion. Rome was immediately the center of diplomatic negotiations, and Spain the country of greatest importance to win to the cause.

To students of Spanish history the account of the negotiations between the papal nuncio and Philip II. will prove the most interesting part of Herre's book; it fills half his pages and shows up in no favorable light the too complicated aims of Spanish policy, its extremely aggravating *Langsamkeit*, and worse still, its guileful trickeries. It gives an impression decidedly different from the commonly received one of Prescott and Hume that Philip II. "willingly listened to the Pope's proposal" and "furnished immediate succors to Venice."

The insuperable obstacles which thwarted the Pope's attempt to induce the other states—Portugal, France, Germany, Poland, and Russia,—to join the league are briefly dealt with in the last two chapters. This first part closes with the meeting together in Rome in July, 1570, of representatives of Venice and Spain, empowered to conclude with the Pope the final league. In a second part Herre promises to carry these negotiations through to their successful issue, and then give a history of the Cyprus War and of the league up to its dissolution in March, 1573, when the victory of Lepanto and the signature of peace between Venice and the Porte relieved that pressure of a common Turkish danger which alone had led Spain and Venice to sink temporarily their mutual jealousy and unite against Selim II.'s threatening power.

Mr. Herre, though suggesting sometimes the German seminar in his punctiliousness of detail and lack of generalization, is always accurate and usually interesting. His preface contains an excellent short bibliography, and his foot-notes, scattered profusely through his pages in half a dozen languages, are rich in quotations from Venetian, Vatican, and Simancas manuscripts, as well as from the printed sources.

SIDNEY B. FAY.

The English Church in the Sixteenth Century from the Accession of Henry VIII. to the Death of Mary. By JAMES GAIRDNER. (London: Macmillan and Co.; New York: The Macmillan Co. 1902. Pp. xi, 430.)

THE fourth volume in the *History of the English Church*, edited by Stephens and Hunt, is written by a scholar distinguished for his knowledge of the state papers of the period with which the volume deals. We get, as might therefore be expected, some detail not easily found elsewhere, especially in regard to negotiations with the Pope about the King's divorce and in regard to the influence of the political situation of the continent upon specific acts of religious policy in England. There are, however, no novelties of fact, and the varieties of opinion, sympathy, and prejudice were long ago exhausted. What was done is not a matter of dispute, but there is little agreement about the forces at work in society, the motives and aims of the actors, the value of the results. Gairdner writes of the whole matter with quiet but intense feeling, and his comments make the book a document illustrative of our own time. He does not enjoy his story. He seems to be contesting point by point the changes which were made in an affair too early for his own participation, and yet he seems satisfied with the result. The outcome was beneficent, but the process was reprehensible. Let us take the case of the legislation of 1529 which aimed to correct the evils of capricious probate fees, mortuaries, and pluralities. Gairdner recognizes that the action taken was in the right direction, but "the spirit of the whole legislation was bad, and was clearly intended to punish the only power in the land which could be trusted to denounce wrong in high places with something like authority." This is a characteristic passage. For Gairdner the King's shameful passions caused the changes in the church.

Save for the Ten Articles of 1536, Henry's policy makes a whole of consistent meaning. With thoroughly Catholic conceptions of religion he reconstructed the administration of the church. He overthrew the sacerdotal *imperium in imperio*, brought the church under lay and national control, suppressed the monasteries, and strengthened the normal diocesan system. Now from Gairdner one would gather that no consistent policy was in mind. He conceives the King as driven from point to point by a series of situations all evoked by his failure to get an ecclesiastical license to marry Anne Boleyn. Having thrown off the Pope and taken matters into his own hands, the King finds himself in one desperate emergency after another. His self-will in the first bad business becomes a brutal tyranny over a resistant nation. To maintain himself against conservative factions he coquets now and then with Lollard tendencies at home or Lutherans on the continent. He holds in check the forces thus used, but the heretical tendency thus encouraged has its triumph under the weak government of Edward.

In tracing the whole process to the King's marriage project, Gairdner persistently minimizes the operation of other forces. He is not one of those who recognize subconscious principles of social change, and he

has had little interest in the facts on which Beazley bases the interesting opinion that "the lay power in the state — this, and not reformed doctrine, or liberty of conscience, or Catholic antiquity — was the ultimate social principle of the struggle" (Traill's *Social England*, III. 51). Some of the evidences of a social problem are passed over with a sneer at pecuniary interests. Wolsey's plans for reforms are not mentioned, and Cromwell figures as the mere tool of a capricious king. Gairdner minimizes also the influence of that group of reformatory spirits with whose ideals we are made acquainted by Seebohm's *Oxford Reformers*. It is true that this group had no plan of legislative change, but it is short-sighted not to recognize that the royal policy had a basis in such a new spirit in the church. The royal policy did not adopt all their ideals, but one cannot fail to recognize in them a current of thought preparing the nation for a Christianity conceived by means of Scripture rather than by means of scholastic system, and relieved of those superstitions which were maintained by the monastic orders. In the first place, if we wish to estimate the Lutheran influence on the English people in Henry's time we shall have to forsake Gairdner and consult Froude or the Benedictine Gasquet. Gairdner treats the Lutheran influence disdainfully as something peculiar to the lower classes. Of these humble radicals he thinks as a cultivated pagan in the early centuries thought of the Christians. While he scoffs at the "pious pretexts" of state papers due to the hateful king, he is severe on Foxe for scorning the episcopal charges of gross impiety against heretics. "This is surely," says Gairdner, "a most extraordinary way of dealing with historical evidence." Would Gairdner accept accusations of witchcraft as historical evidence?

Insistence on the royal initiative blurs some of the facts. Gairdner obscures the difference between the articles of 1536 and 1539 by representing that the earlier articles taught transubstantiation. That is certainly not the case. The wording was closely modeled on that of the Augsburg Confession, and it seems clear that this temporary accommodation to Lutheran views was due to the urgency of Cromwell and certain bishops. Gairdner himself notes that this party began to exceed the King's authority. In the Six Articles, however, it was the King who spoke, and not these advisers. The severity of the penalty attached in 1539 to the denial of transubstantiation measures the energy of the King's dissent from Lutheran views as he had become better acquainted with them. It is made evident by this episode that one group of counsellors had a more marked policy of theological change, and we are entitled to doubt the notion which Gairdner seems to cherish, that innovation was alien to the English spirit of the time and came through the subserviency of leaders to the blind caprice of a tyrannous king. Dr. Gairdner's last chapter gladly accepts an historical result which he has been representing as deplorably begun and never consciously pursued. But, after all, his island belonged to a world in which momentous change was operating. A little more knowledge of the continent might furnish some perspective.

FRANCIS A. CHRISTIE.

The Rise of Religious Liberty in America. By SANFORD H. COBB.
(New York: The Macmillan Co. 1902. Pp. xx, 541.)

MR. COBB devotes some seventy pages to three introductory chapters: the opening chapter defines the American idea of religious liberty, as contrasted with mere toleration or with liberty of conscience; the second and third sketch the evolution of the Old World idea and sum up conditions at the beginning of American colonization. The next four chapters, the main body of the book, trace the history of the relation of Church and State in the several colonies, these colonies being grouped for the purpose into four convenient classes. Thirty pages more are given to the need for colonial bishops and to the reasons for their non-appointment. Then two brief chapters, twenty-eight and eighteen pages, deal hurriedly with the critical Revolutionary period and with the later developments in the Union and in the states.

Previous studies, like the valuable essays by Dr. Schaff and Dr. Stillé, have surveyed limited portions of this supremely important phase of American history, and the many denominational histories of course make contributions to the theme, but the first attempt at its comprehensive and systematic treatment is embodied in this imposing volume by Mr. Cobb. It was quite time the attempt should be made, but it is most unfortunate that the task fell to hands so ill-prepared. To speak harshly of a work upon which has been expended so much zealous labor is an unpleasant duty, but it may as well be said at once that the strongest impression the reader carries away is a conviction of the author's inadequate equipment. It should be said that Mr. Cobb is perfectly open-minded, and that the general tone of his treatment is eminently fair and honest; but these statements exhaust the praise that can be given to the book.

The Old World chapter is based almost exclusively, as Mr. Cobb tells us, upon Innes's little hand-book on *Church and State*, and it follows its model so closely as to copy even the date 852 (p. 39) for Otto's restoration of the Empire. With Innes the error is probably a misprint, but Mr. Cobb's context shows that he accepts the date in good faith! Mr. Cobb tells us, too (p. 58), that "no occasion of civil oppression is recorded" for the brief Presbyterian rule in England. Can it be that he forgets the long struggle between the army and the Presbyterian Parliament regarding toleration,—to say nothing of the great persecuting statute of 1648, when Parliament thought the army too busy with the Second Civil War to interfere? A more serious consideration is, that, like Innes, Mr. Cobb surrenders the true view-point for an historical survey by ignoring all relation between Church and State before the rise of Christianity. It may be true, as asserted, that the "problem" of religious liberty could arise only after the rise of Christianity, but certainly it is also true that the ancient and organic connection between religious and political institutions in the pagan world conditioned the working out of the new problem and indeed for a long time wholly obscured it. The positive denial of all institutional character to all pre-Christian re-

ligions (p. 21) goes part way, perhaps, to explain how Mr. Cobb, like Innes again, finds it possible to indulge in a quaint idealization of Constantine. The enthusiastic and repeated parallel between Constantine and Roger Williams is, I believe, original with our author.

Mr. Cobb is certainly more at home in American colonial history, and for some of the colonies, as Connecticut and New York, the preparation seems to have been exhaustive and the story is well told; but even in this period, as a whole, the treatment abounds in assumptions unproved or false, and is defaced by so many errors as to challenge confidence in every statement not supported by the reader's own knowledge. The four-page list of "authorities" contains several obvious blunders, abbreviates titles and omits initials and dates in a most irritating way, fails to mention many works that are important if not essential, and jumbles its material, primary and secondary, without the slightest discernible principle of arrangement, whether by alphabet or chronology, subject or importance. The body of the book shows in even stronger light a like confusion regarding the relative value of authorities. Force's *Historical Tracts*, Hawks's *Contributions to Ecclesiastical History*, and the *Massachusetts Records* are given as authorities in foot-notes without reference to volume or page. In one such case (p. 146) the citation is wholly wrong as well as indefinite, and in another (p. 169) an incorrect statement is based upon the indefinite citation. Charters and other sources easily accessible are commonly quoted at second hand — often with unfortunate results. On one page (75) Mr. Cobb confuses the charter of 1606 with James's later instructions to the Virginia Council, quotes as if from the charter of 1609 a sentence not in that document, and shows that he is not aware of the motive stated in the charter for requiring the oath of supremacy. It is stated incorrectly (p. 137) that the Plymouth Council did not receive power over life and death in their patent; this corporation (p. 135) seems to be confused with the London merchants who furnished the funds for the Plymouth Pilgrims; and these Pilgrims (p. 136) are said incorrectly to have sailed without a charter. The exploded misconceptions of the older New England writers regarding supposed liberal peculiarities in the charter of the Massachusetts Company are adopted without hesitation (p. 149), and the same page repeats with emphasis John Fiske's unfortunate statements as to the religious clauses in that document. The Maryland charter is made to ascribe to Charles (p. 363) the motives it really imputes to Baltimore, while the statement on the following page that Baltimore's sovereignty was limited by "only one condition" comes plainly from someone's careless mis-reading of the concluding clause of the charter regarding the future interpretation of disputed passages in the courts. The author fails to see, too, that the Rhode Island charter of 1643 (dated by Mr. Cobb as 1644) did at least imply religious liberty by carefully confining the authority of the state to "civil" matters, — a term which is to be interpreted, of course, by the language in which Williams's followers had from the first promised obedience to the law "in civil matters only." Similar errors characterize

the treatment of the later state constitutions: thus Pennsylvania is unjustly accused of constitutional restrictions in various places (pp. 71, 450, 482, 503, 515, 520). The Pennsylvania Bill of Rights of 1776 did provide that no man believing in a God should ever have his civil rights abridged, but this clause did not abridge the rights of men not so believing, as Mr. Cobb assumes it did, nor does the Constitution anywhere restrict the franchise to such believers, as Mr Cobb repeatedly states; while the test oath prescribed in 1776 was not for "all officers" but only for members of the House of Representatives. The Massachusetts constitution has never made the distinction, claimed by Mr. Cobb (p. 519), between towns and parishes, and Tennessee not only does not restrict office-holding by a religious test (as charged on page 159), but, as is noted, indeed, on that same page, her constitution expressly provides that no test shall be required except an oath to support the Constitution of the Union and that of the state.

The commonest details of colonial history are mis-stated. I will confine mention to a few of those regarding the two best-known groups of colonies. Despotism in Virginia, we are told (p. 79), did not cease until 1621; Mr. Cobb not only does not know of the published records of the first representative assembly in America, but he denies its very existence, and further states expressly (p. 80) that the assembly of 1623 is the first whose records are preserved. The Virginia legislation against Catholics, in its details, is explained, of course, by the eighteenth century legislation against that denomination in England and Ireland, and the comment on page 108, ignoring this explanation, is misleading. Lechford, the Massachusetts lawyer, and Lyford, the Plymouth preacher, are evidently regarded as one and the same man, and the confusion is carried in curious fashion through four pages (143-146); Lechford's *Plain Dealing* is ascribed to Lyford, and is referred to as in Force, whose collection does not contain it. The stern Endicott (p. 152) speaks the gentle Higginson's pathetic farewell to Old England and (p. 169) presides as governor, in Winthrop's seat, over the first Court of Assistants in the colony of Massachusetts Bay. The second General Court in that colony (that of May, 1631) is declared to have been the first (p. 170). A closer attention to New England chronology would have made impossible the misleading statements regarding Hooker's motives (p. 241). It would be "strange enough" (p. 155), indeed, if it were true that Endicott's instructions from the company would have authorized the foundation of any religious establishment preferred by the settlers under his charge.

Statements like this last make it plain that the author is not prepared to interpret the facts he comes upon. After this we are not surprised to see the Mecklenburg Declaration burst its cerements once more, or even (p. 499) to have the Northwest Ordinance presented as the deed of Virginia. The brevity of the treatment after 1775 would of itself have made the latter portion of the book inadequate.

WILLIS MASON WEST.

La Belgique Commerciale sous l'Empereur Charles VI: la Compagnie d'Ostende. Par MICHEL HUISMAN. (Brussels: Henri Lamertin; Paris: A. Picard et Fils. 1902. Pp. xii, 556.)

WHEN Carlyle in his *History of Frederick the Great* wrote of what he called the "Shadow-hunts of Kaiser Karl" he included among them the formation of the Ostend Company of Belgian merchants chartered for the purpose of trading with Asia in 1722, and he asserted in his usual slap-dash fashion that this company never existed except on paper, that it never sent a ship to the east, and that it "only produced Diplomacies and 'had the honour to be'" (Book V., Chapter II., "Third Shadow"). Few statements, even from the pen of Carlyle, could have been more inaccurate. Not only did the Ostend Company exist, but it opened a most flourishing trade both with India and China, and caused most sincere apprehensions to the two great maritime nations of the eighteenth century, the Dutch and the English. The opposition of these two nations to the Ostend Company was the keynote of their foreign policy during the first years of peace which followed the conclusion of the Treaties of Utrecht in 1713, and it is from the point of view of international European politics that the Ostend Company has hitherto been regarded. The success of its commercial operations, the nature of its organization, its promise to raise the Belgian merchants once again to the prominent position they had formerly held, have been forgotten, and the publicists and historians who glibly deal with the European history of the eighteenth century write of the Ostend Company, as Carlyle did, with absolute ignorance of its true place in the history of the relations between Asia and Europe.

This review must begin with a tribute to the learned Belgian historians, who during the last few years have shown themselves in the forefront of the modern school of scientific history. There is a tendency to group modern historical writers simply as French and German; and to neglect the admirable work done in history in the smaller countries of Europe, just as there is a tendency to neglect the study of the history of such countries as Belgium and Denmark and Sweden, in spite of their importance in the past, because of their slight political influence at the present time. Yet in these smaller countries the study of history is pursued with even more ardor than elsewhere, because the smaller nationalities realize the contrast between their glorious past and their present insignificance. Nowhere is better historical work being done than in Belgium, both in the careful editing of documents and in the critical appreciation of primary authorities as shown in secondary works. With this sound and careful method goes excellent writing, and the style of modern Belgian histories compares favorably with the products of other European countries. M. Huisman in the volume under review shows a thorough study of the manuscript materials bearing upon his subject preserved not only at Brussels and Antwerp, but also at The Hague, Paris, Berlin, and Vienna. He has carefully studied the mass of pamphlet liter-

ature of his period and from these two sources has produced a work which is not only an original contribution to history of the greatest importance, but is also a prime authority that can never be neglected in the future by students of European or Asiatic history. It is only necessary to compare the brief and unsatisfactory account of the Ostend Company in M. Bonasieux's *Les Grandes Compagnies de Commerce*, up to this time the only real effort to describe it, with the elaborate study of M. Huisman, to perceive how great a service the latter writer has rendered the history of the eighteenth century, and M. Huisman's book adds one more proof of the vitality of the Belgian school of modern historical writers.

The last ten years have witnessed a revival of interest in the old chartered companies by which trade was carried on between Europe and Asia, and this interest is frankly due in England, France, and Germany to the development of the new English chartered companies of the present day. Utterly different in their scope and in their composition as are the new chartered companies, their doings have called attention to the early history of their prototypes. The London East India Company, which made an empire, is now seen to be only one of a series of commercial organizations, though by far the most successful of them, and the causes of the failure of contemporary companies are being analyzed with scientific accuracy. The world policy of the European countries of to-day has aroused an interest in their efforts for African and Asiatic expansion in former centuries. Many French writers have been studying the internal causes which led to the failure of France as against England, and M. Paulliat, in particular, has examined with care the part played by Louis XIV. in the Asiatic ventures of his reign. Herr Ring has dealt with the Asiatic ambitions of Frederick the Great of Prussia, and the reasons which led him to abandon the enterprise. And now M. Huisman has, for the first time, given a true account of the Belgian effort in this direction. For most clearly does it appear that the proper name to be given to the Ostend Company is Belgian and not Austrian. If Sir W. W. Hunter, the most distinguished English writer on the exploitation of Asia by the European nations, were still alive, he would rejoice over M. Huisman's book and would use Belgian in the place of Austrian in dealing with the efforts made by the Ostend Company for a share of the trade of Asia; because, although the Ostend Company received its charter from the Emperor Charles VI., its capital was provided by Belgian merchants, its enterprises were directed by Belgian directors, and its ships were chiefly commanded by Belgian captains. The Austrians had no part nor lot in the Ostend Company, which was, however, sacrificed to aid Austrian policy. It was a cruel fate that cut Belgian aspirations short at the selfish bidding of Dutch and English statesmen, and one of the most interesting features of M. Huisman's book is the evidence that he gives of the vigor and enterprise of Belgian merchants and the way in which all that vigor came to naught owing to the political control of the Catholic Netherlands by the House of Hapsburg and the subordination of Belgian interests to Hapsburg dynastic policy. M.

Huisman describes at length the condition of the Belgian provinces after the Treaties of Utrecht had transferred them from Spain to Austria, and the way in which the war-smitten country at once endeavored under its new rulers to recover some of its old commercial prosperity. The selfish policy of the Dutch worked consistently against any revival of Belgian commerce, and the English merchants and statesmen supported the action of their allies. It was with the greatest difficulty that after years of negotiation the Imperial and Royal Society of the Indies, better known as the Ostend Company, was at last established in 1723. The organization of the company was admirable and contained the results of English, French, and Dutch experience. Its first expeditions were eminently successful. Good management secured for the Belgian ships a share of the China trade upon favorable terms, and an entry into the port of Canton, at that time forbidden to the Dutch. In India the Belgians were less successful, but their settlements at Covelong near Madras and at Banki-Bazar near Calcutta showed considerable promise and might have grown into important factories but for the opposition of the English and the Dutch. The ablest administrator the Belgians sent to India was an Englishman and former servant of the English company named Alexander Hume, and he had laid the foundations of prosperity when European politics ended the life of the Ostend Company. M. Huisman has fully proved the inveterate hostility of the English and Dutch towards their Belgian competitors, and has traced with care the proceedings which led to the suspension of the company in 1727 and its dissolution a few years later. It is a sordid tale of commercial greed making skilful use of political means, and the impression is left that Charles VI. honestly desired the continuance of the company with its renewed prosperity for his Belgian subjects, but was prevented from maintaining their rights by the bitter hostility of the Dutch and the exigencies of his own dynastic policy.

One or two criticisms may be made of M. Huisman's book, not with the idea of faultfinding, but to point out certain difficulties presented to English readers by his neglect to recognize modern terms. For instance, in his spelling of Indian names he has followed the French transliteration which he found in his documents, but which might be puzzling to readers of English books upon the history of India in the eighteenth century. He always spells the name of the Belgian settlement upon the Coromandel coast as Cabelon, whereas the recognized English spelling is Covelong, a name well known to students of Clive's campaigns. Still more misleading is his use of the words Moors and Moorish. In the eighteenth century it was usual for all Europeans, French as well as English, to speak of the Mohammedans of India as "Moors," and to distinguish them from the Gentoos, as they termed the Hindus. This practice was entirely abandoned in the nineteenth century, and now is only found in the writings of French and Belgian historians. It would be well if M. Huisman in the next edition of his book would alter this unscientific terminology, which he has borrowed from the language of his authorities.

Such blemishes are, however, trifling, and this notice must close with an expression of sincere gratitude to M. Huisman for having cleared up one of the dark places in the history of the relations between Europe and Asia, and with a recognition of the fact that he has put forth a work showing wide research, sound criticism, and admirable grasp of the conditions that existed in the early part of the eighteenth century both in Europe and in Asia.

H. MORSE STEPHENS.

A History of Slavery in Virginia. By JAMES CURTIS BALLAGH. [Johns Hopkins University Studies in Historical and Political Science. Extra Volume 24.] (Baltimore: The Johns Hopkins Press. 1902. Pp. viii, 160.)

MR. BALLAGH has written the best local study of American slavery which has yet appeared, and one worthy to rank with the admirable work of Jeffrey Brackett. This study of slavery in Virginia is chiefly noteworthy for the careful comparison of slavery in America with serfdom in Europe, or more especially in England, and for its tracing out step by step the legal development of the slave status.

The volume is short and divided into three chapters: a brief historical chapter dealing with the slave-trade; a long chapter of ninety pages, which is the kernel of the dissertation and treats of the rise and development of slavery as a legal and social system; a final chapter dealing with manumission and efforts at emancipation.

The author has evidently strong Southern sympathies; he is fond of proving Massachusetts equally blood-guilty with Virginia, and has discovered a certain quality inherent in white blood which he designates as "sanctity" (p. 61). Nevertheless such things crop out only incidentally, and, on the whole, the temper and balance of the true scholar are well maintained. There are places where one may easily differ with the author's judgment; he contends, for instance, in the initial chapter, that "no colony made a more strenuous and prolonged effort to prevent the imposition of negro slavery upon it, and no state a more earnest attempt to alleviate or rid itself of that burden, than Virginia" (p. 14). True it is that by 1772 there was strong opposition to the slave-trade in the colony, and that such opposition appeared at various times earlier. Nevertheless a review of Virginia legislation on the subject and a knowledge of the large revenue derived from the duty acts on negroes may well lead the student to wonder if moral opposition to the traffic was not at a low ebb during the early part of the eighteenth century, and if the charge that England forced slavery on Virginia is not a little far-fetched. That Virginia early came to fear too many slaves is true, but Mr. Ballagh is assuredly wrong in claiming for this state the honor of being the "first political community in the civilized modern world" to prohibit the importation of slaves (p. 23), since both Connecticut and Rhode Island anticipated her by four years.¹

¹ *Acts and Laws of Conn.* (1784), pp. 233-234; *R. I. Colonial Records*, VII, pp. 251-253.

The study of the legal development of slavery in Chapter II. is a distinct contribution to our understanding of the system. Mr. Ballagh shows clearly that in Virginia, as well as in many other colonies, the negro at first was in the eyes of the law a servant in no way distinguishable from other servants. From the beginning, by law and custom, a succession of steps evolved the human chattel of later days. These steps began with the recognition of negroes as slaves for life; then the recognition of their children as slaves, since they could not be reared as freemen; next the slave became personal property and at last real estate. Finally a series of laws drew the color line of slavery by first ignoring the distinction of Christian and heathen and then enslaving most mulattoes. When the full status of slavery was established, the author traces in detail the legal privileges and limitations of slaves and compares their condition with that of the English villain. The negro slave could be bought and sold, seized for debt, separated from his family, restricted in movement, etc. On the other hand he could not legally marry or trade, or learn to read or write, or sue in courts except for freedom.

The part of the second chapter dealing with social status is not so full nor so satisfactory as the first part. It has a slightly apologetic tone, and while it frankly admits many evils of slavery (save the greatest one, on which it is almost silent) nevertheless it lays great stress on the benevolent and better side of slavery, and its good effects on master and man. Thomas Jefferson's very flat contradiction of this pleasant picture is attributed by Mr. Ballagh to French "doctrines of equality," and "pique" (p. 129).

The final chapter gives deserved praise to the abolition efforts of Jefferson, Tucker, and others, and shows how the question of disposing of the freedmen was the great obstacle to their plans of emancipation. The author supports "South-Side" Adams's views, and seems to agree with him that Abolitionism rather than cotton was mainly instrumental in fastening the chains of the slaves after 1830.

The volume has a bibliography and an index.

W. E. BURGHARDT DU BOIS.

Immigration of the Irish Quakers into Pennsylvania, 1682-1750, with their Early History in Ireland. By ALBERT C. MYERS, M.L. (Swarthmore, Pennsylvania: The Author. 1902. Pp. xxii, 477.)

Quaker Arrivals at Philadelphia, 1682-1750. By ALBERT C. MYERS. (Philadelphia: Ferris and Leach. 1902. Pp. 131.)

THE coming of Friends' families to America during the colonial days has been described in many works of genealogical research and in local histories, but they have mostly related to families from England. Albert Cook Myers, in the portly and attractive volume named above, has filled a gap in the records by describing the migration of Friends from Ireland.

After narrating the beginnings of Quakerism in Ireland the author discusses the inducements that led the Irish Friends to come to Pennsylvania. From the time of his conviction, while in Ireland, of the truth of Friends' doctrines, William Penn had been brought prominently before the Friends of Ireland. In 1669 he went to that country to assist in the management of the Penn estates, and hearing of the persecution and imprisonment of the Friends there went at once to Dublin, and succeeded in procuring the release of those in prison. The Irish Friends had great confidence in him and they were among the first to whom he opened his Pennsylvania project.

The Free Society of Traders, consisting of over three hundred members, among whom were several prominent Irish Friends, purchased 20,000 acres of land in Pennsylvania. Robert Turner, one of the committee at the head of the organization, removed to Philadelphia in 1683 with his daughter and seventeen "indented" servants. As he was prominent in the affairs of the colony, no doubt his influence did much to forward the migration of his countrymen.

The most eminent of the Irish immigrants was James Logan, who came to Pennsylvania in company with William Penn in 1699, and for forty years thereafter held some high office in the colony. He bequeathed to the city of Philadelphia his private library of 3,000 volumes, which formed the foundation of the Loganian Library. Thomas Holmes, who had been imprisoned in Dublin, was one of the first purchasers in Pennsylvania, buying a tract of 5,000 acres. Penn appointed him surveyor-general of the province of Pennsylvania. He also held many other places of trust and honor, and at one time acted as governor of the province. Other distinguished Irish Friends were Thomas Griffiths, who served as mayor of Philadelphia and judge of the Supreme Court; Robert Strettell, a prosperous Philadelphia merchant who had a country house in Germantown, and who also served as mayor; William Stockdale, a writer of Friends' books; Nicholas Newlin, who served as a judge of the Chester county courts; and Lydia Darragh, who risked the safety of herself and family to give important information to General Washington.

The book contains many interesting documents, especially letters from the immigrants to their friends in Ireland. One of the most readable of these is a letter from Robert Parke, who settled near Chester, to his sister Mary, in 1725. After telling her of the general prosperity he describes the two fairs held yearly in Chester and New Castle, where "Ribonds and all Sorts of necessarys fit for our wooden (wooded) Country may be bought and here all young men and women that wants wives or husbands may be Supplied."

The appendix, which makes nearly half of the volume, contains genealogical records taken from the minute-books of various monthly meetings, which are of value to all who are descended from these early Quakers. The researches of the author have been careful and extensive, and his work is a valuable contribution to the history of the religious society of which he is a member.

A smaller volume, also by Mr. Myers, entitled *Quaker Arrivals at Philadelphia, 1682-1750*, contains a record of over a thousand certificates received by Philadelphia Monthly Meeting between the years 1682 and 1750, for Friends coming to reside within its limits, chiefly from over the sea. Many of the names included in this list are still prominent in the records of Friends in the various parts of the United States where their meetings have been established.

Several of the minutes contain explanatory matter that is interesting reading because of the quaintness of the statements. A certificate signed by Wm. Penn and Giuelma Maria Penn, for one who had served them nine years and a half, says, "She is clear of all Persons as to marriage that we can tell of, save one John Martin, and has been well regarded of friends of the meeting to which she has belonged." A minute from Barbados in 1699 states that "Jonathan Dinnis, 'of this Island Surveyor having lately been much troubled with Consumpton,' desires to take a voyage to Pennsylvania for his health, leaving behind his wife and children."

ELIZABETH LLOYD.

New France and New England. By JOHN FISKE. (Boston : Houghton, Mifflin and Co. 1902. Pp. xxvi, 378.)

It is a cause for genuine satisfaction that Mr. Fiske had at the time of his lamented death practically finished this book, which was needed to complete his series of histories of the United States,—seven volumes reaching from the discovery of North America to the adoption of the Constitution. Like Parkman, Fiske did not issue his several books in chronological sequence ; but from the first he seems to have had them clearly outlined in his mind, and to some extent on paper, and now that the last stone in the arch is laid it can be seen that he builded with care, although not in the usual order.

The scope of the last-published book — chronologically fifth in the series — was foreshadowed in the preface to *The Dutch and Quaker Colonies in America*, its predecessor both in subject and in time of issue : "It is my purpose, in my next book, to deal with the rise and fall of New France, and the development of the English Colonies as influenced by the prolonged struggle with that troublesome and dangerous neighbor. With this end in view, the history of New England must be taken up where the earlier book [*The Beginnings of New England*] dropped it, and the history of New York resumed at about the same time, while by degrees we shall find the histories of Pennsylvania and the colonies to the south of it swept into the main stream of Continental history. That book will come down to the year 1765, which witnessed the ringing out of the old and the ringing in of the new,—the one with Pontiac's War, the other with the Stamp Act."

The greater part of Mr. Fiske's histories were first prepared and delivered as lectures — a custom having certain advantages in ensuring that lightness of touch so essential to popularity, and obvious disadvantages in the necessity for blocking out the matter into equal-sized chapters, each

possessing dramatic unity, regardless of the relative importance of persons and events treated. Probably no American historical lecturer has been more successful than Fiske in avoiding the pitfalls which beset this method of book-making; nevertheless, nearly all of his chapters remind one of the platform.

The volume before us is, in the main, composed of lectures delivered by our author during the winter of 1900-1901. Of the ten chapters, only the first two, "From Cartier to Champlain" and "The Beginnings of Quebec," were actually revised by him for the press; the third, "The Lords of Acadia", the publishers inform us, "was unfinished, but has been completed by a few pages, enclosed in brackets and prepared in accordance with Mr. Fiske's own memoranda indicating what incidents he proposed to include in the remaining paragraphs"; the remaining chapters were left "in the form of carefully prepared lectures," which the publishers have equipped with side-notes and citations to authorities, also within brackets. We are assured that the text of the entire book is printed exactly as it left the author's hand, which was a wise thing to do. Mr. Fiske possessed a rare charm of style, and had he lived would no doubt have given us a volume equalling its predecessors in this regard, but it would have been sacrilege for another hand to attempt the polishing.

Putting aside, then, the necessary unevenness in style, and occasional lack of coherence arising from failure to bridge the gaps between his lectures, it can not be said that the author has in all respects made good the promise in his preliminary announcement above quoted. A book bearing this broad title, and thus heralded, should be a history of the struggle between French and English for the mastery of North America, "The rise and fall of New France, and the development of the English colonies as influenced by the prolonged struggle with that troublesome and dangerous neighbor," as he himself puts it. The result is not exactly what the reader has been led to expect. New France is almost entirely treated upon the side of exploration, war, and politics. It is picturesquely done, much of it in Mr. Fiske's best style, but we gain from his pages no adequate picture of the life of the French Canadians or the underlying forces which controlled them; we have still to go to Parkman for these. As for "the development of the English colonies as influenced by the prolonged struggle," this book gives us small notion of that; others of Fiske's volumes are more informing in such particulars. Two of the best chapters in *New France and New England*—100 out of 359 pages of text—are "Salem Witchcraft" and "The Great Awakening"; yet the author curiously fails to connect these with the story of the titanic struggle for the mastery of the continent. They are informing, indeed brilliant, psychological lectures, but are out of place in this volume, standing isolated both in treatment and in interest. These topics might have merited a few pages, if properly woven in by way of illustrating the temper of the English colonists; but to abandon to them, disconnected as they are, nearly a third of the book, is sadly disproportionate. And lastly, instead

of carrying us, as promised, to the year 1765, "which witnessed the ringing out of the old, and the ringing in of the new," the volume abruptly ends with the victorious death of Wolfe, in 1759. Possibly the author had intended to add another chapter, treating of the events of the succeeding six years; but he did not, and we can speak only of the book as published.

In the details of early western exploration, our author sometimes betrays a lack of definite knowledge, apparently following Winsor, who, with all his deep learning, is sometimes cloudy in these matters; his French are at all times more shadowy than his New-Englanders, which is not surprising; and not infrequently one meets with a certain indefiniteness of statement which is unusual in the pages of Fiske. But it would be ungenerous to criticise too closely an author who had not the opportunity of revising his manuscript for publication — an author, too, who deserves so well of us as Mr. Fiske. With all its limitations, perhaps most of which are traceable to the lack of revision, the volume is a welcome addition to the growing literature of the dramatic contest between the French and English colonies in North America, and fitly concludes a notable series. The index is a creditable piece of work.

R. G. THWAITES.

The Fight with France for North America. By A. G. BRADLEY.
(New York: E. P. Dutton and Co.; Westminster: Constable and Co. 1902. Pp. xv, 400.)

THIS title is somewhat misleading, as the narrative is confined to the years 1748-1760, and deals only with the military conflict on the American continent. It begins with a characterization of the American colonies, French and English, in 1748, and advances then in rather close chronological order to the surrender of Montreal to Amherst, September 9, 1760. The field of action is the battle-field in the narrowest sense; practically no attention is given to the European managing centers or to the European events, military or political, that affected the origins and conduct of the campaigns. The author (known by his *Life of Wolfe* in the "Men of Action" series, and by other books) is an Englishman who has had the advantage of considerable residence in America; in some degree he disarms criticism by the disclaimer (in his preface) of attempting "to address the serious student of this war, if indeed there be any such on this side of the Atlantic," and by stating his main motive to be the desire to make this period better known to the average English reader, in regard to whom he thinks the volume will "possess at least the merit of novelty." If this be so, the American critic can hardly act upon his first impulse and call the book superfluous; but he can still advise the American general reader to follow its author's example and stick to his Parkman.

It must be conceded that Mr. Bradley has done his popularizing work fairly well. Haste is shown in some curious grammatical blunders (as "who" for "whom," pp. 289, 357); we have occasionally a sophomoric

flourish—"The spirit of Wolfe was already abroad, borne by the very breakers on these wild Acadian shores and burning in the hearts of these fierce Islanders, who, like their Norse ancestors of old, came out of the very surf to wrest dominion from those ancient foes" (p. 222); but the book is on the whole pleasant reading, and succeeds in making interesting not only the more important operations but even the confused and scattered events of the years 1747-1756. It is particularly successful in describing the field of action, in giving the main elements of the situation, in laying proper stress on the salient points, and in keeping consistently to the treatment the reader has been prepared for. The preliminary characterizations of the different colonies seem surprisingly good, while the narrative is throughout much superior to the average English one in its grasp and clear statement of the peculiar difficulties that have always appeared in the relations between Englishmen and colonials. This merit the writer owes mainly no doubt to his American experiences; but we may perhaps also recognize the illuminating influence of the Boer War. There are various direct and indirect references to this war and to other recent events, which attest the imperialistic spirit of our author (Washington's "Great Meadows" exploit is cover for a fling at the "Little Englander," anent Fashoda); these are often pointless and jarring, as the sentence about "deliberate fabrication" (p. 364), and the closing one concerning "the ignorant howlings of a heterogeneous mob, so-called Americans of to-day or yesterday."

These are perhaps excusable lapses at the present moment; it is the duty of the careful critic to point out evidences of more serious defects in the preparation and method of our author. As has been said above, the narrative is almost exclusively military, as little as possible being said of contemporary European events. There are some remarks, however, of a nature to impel us, in the interest of the general public, to gratitude for this restraint. Perhaps even at this late date the popular historian of the Seven Years' War may deny that he can be expected to know that serious students do not now explain France's share in the "Diplomatic Revolution" of 1756 by the statement that Mme. de Pompadour "had not only been the object of the Prussian King's continuous raillery, but had been treated by him with personal contumely"; what are we to say however to the statement that "Catherine of Russia" was similarly "stung to fury by his coarse jests at her somewhat notorious weakness for Grenadiers" (p. 140)? The refuge of a misprint seems here precluded by the preliminary page of minute "errata" as to proper names; that this is an error that casts grave suspicion on our historian's researches into the Seven Years' War will be clear when it is remembered what a critical event for Frederick and for Europe the death of Elisabeth in 1762 was. At the close of the book the author feels compelled to round out his story by some further allusions to European conditions, but is scarcely more happy in his statements. He does not lack, however, in confidence, as when he tells us apropos of the Peace of Paris that "if the King bribed the House of Commons, it is almost equally certain that

France bribed Bute with a most princely fee for his services on her behalf" (p. 393).

The culmination of the war is of course the siege of Quebec, and here we might expect to find the writer peculiarly at home, being already the author of a *Life of Wolfe*. What material (beyond Knox's *Diary*) he has used is no more evident here than in any other part of the book, as it is throughout wholly destitute of references; certainly there is nothing fresh either in fact or treatment, while points still wrapped in some obscurity (as with regard to the plan of attack above the town) are left severely alone. The traditional account is, in short, reproduced in all respects, even to the old story of the reciting of Gray's *Elegy* by Wolfe on his way to the scaling of the cliffs; this amiable clinging to the tale would seem to indicate that in this case our writer's literary sense is more than a match for his sense of accuracy, for Mr. Morris in the note in the *English Historical Review* (Vol. XV., 125) in which he explodes this form of the story had pointed to Mr. Bradley in his *Life of Wolfe* as the most recent reiterator of it, with the remark that he had increased the inaccuracy by giving the name of the original authority as "Robertson" instead of "Robison"; in the present telling of the story Mr. Bradley accepts the "Robison," but seems unable to go any further.

VICTOR COFFIN.

The History of Wachovia in North Carolina: The Unitas Fratrum or Moravian Church in North Carolina during a Century and a Half, 1752-1902. By JOHN HENRY CLEWELL. (New York: Doubleday, Page and Co. 1902. Pp. xiv, 365.)

THE Moravians in 1752 settled a rich tract of 100,000 acres of land in western North Carolina. Till 1771 they lived in common, except in two of the villages, which abolished the system somewhat earlier (p. 91). They were quiet German farmers and artisans. Their thrift and simple lives made them valuable members of the community. Their religious organization gave them an intense common life. They lived in a series of villages after the German type, the most prominent of which was Salem. In Salem they early established schools which had a wide influence throughout the state. Later they were among the first in the state to build factories. Like most of the early Germans in America, they had but little to do with political affairs, and they had conscientious scruples about bearing arms. In the Revolution they endeavored to be neutrals and were distrusted by each side. Outside of their town limits there grew up a town of non-Moravians, who were more enterprising than the staid Germans and made rapid strides in town development. The two places, now united as Winston-Salem, constitute a thriving manufacturing community.

The story of the century and a half during which this community has attained its present condition is an interesting piece of local history. Mr. Clewell is well qualified to write this story. He is a prominent

Moravian minister, and for fourteen years has been principal of the Salem Female Academy, an influential boarding-school which has grown up under the nursing hands of his church. He has taken a pride in his work and seems to have explored the valuable church records which have been preserved in Salem with commendable care. His treatment is not that of a trained historian. It is lacking in discussions of social development. It is a publication of annals with emphasis upon the more striking incidents. The Indian war, the coming of the Regulators, the visits of Tryon and Washington, and the establishing of various villages, fill in between the ordinary details of church and town life. The failure of the community of housekeeping is dismissed with four and a half lines, and it is not considered important enough to be mentioned in the index. The allusions to the general history of the state show that the author is not well-informed in that field. He accepts the views of Caruthers on the Regulators, fails to understand Tryon, and has no question in regard to the authenticity of the Mecklenburg Declaration of Independence. The most valuable part of the book is the mass of facts taken from the manuscript records which have been preserved by the church. They represent only a small part of the large accumulation which is preserved by the Wachovia Historical Society in Salem. These facts, which are frequently given in quotation, have not been published hitherto. They are valuable for the future historian of social conditions in North Carolina. The pains with which they have been sought is exceedingly commendable. The story is also well calculated to hearten Moravians everywhere, especially in North Carolina. It reveals a life-fortitude and virtue, the goodness of which can never fail to make men desire to lead better lives and be more faithful to their ideals.

JOHN SPENCER BASSETT.

A Monograph on the Evolution of the Boundaries of the Province of New Brunswick. By WILLIAM F. GANONG, M.A., Ph.D.
[Transactions of the Royal Society of Canada. Second Series. 1901-1902. Vol. VII., Section II. Pp. 139-449.]

THE author of this monograph is a native of New Brunswick. The personal equation in boundary studies he clearly recognizes. "Unreasoning partisanship," he says, "is the natural condition of the human mind." An impartial discussion of controverted questions, however, he believes is possible; and his work gives abundant evidence that he has attempted to treat such questions connected with the northeastern boundary controversy with entire fairness and impartiality.

The purpose of the monograph is to explain the precise factors which have determined for each New Brunswick boundary line its genesis, its persistence, its position, its direction, and its length. After considering some general matters pertaining to boundaries and boundary disputes, Professor Ganong commences his discussion with a brief reference to the boundaries in the Indian period. He then calls attention to the boun-

daries in the period of discovery and exploration down to 1606. This is followed by an examination of the boundaries in the Acadian period, that is, from the Virginia Patent, 1606, to the Treaty of Paris in 1763, when Canada came into the possession of Great Britain. An examination of the boundaries in the English period, 1763-1783, follows, with especial attention to the efforts which were made to locate the river St. Croix; and the monograph closes with a consideration of boundary questions in the Loyalist and later periods. The discussion throughout is characterized by clearness and a strong intellectual grasp of the facts under review. Indeed it affords an admirable illustration of the scientific method which is now demanded in any historical inquiry.

The rightfulness of the legal claim advanced by the state of Maine in the northeastern boundary controversy Professor Ganong fully concedes. The original charters, documents, maps, etc., he says, point irresistibly to the conclusion that Maine was right in her contention. All the principal men in New Brunswick, moreover, whose duty required them to examine minutely into the documents of the case, admitted the full American claim. In 1814 the New Brunswick legislature admitted this claim, and so at least in part did the British government the same year in asking for a cession of territory to preserve the communication from Quebec to New Brunswick. Furthermore, the British claim to the Mars Hill highlands as a boundary did not make its appearance until after 1814. It was tentatively advanced in 1815, had not been elaborated in 1817, and made its first formal appearance in the controversy in 1821, in the argument of Ward Chipman. Professor Ganong's position is indicated by this further statement: "Had Mitchell's map proven to be accurate, or had the commissioners had an accurate modern map before them so they could have made their description accurate, or had they annexed a marked copy of Mitchell's map to the treaty, the controversies over the question could not have arisen, and Maine would, I believe, include the Madawaska region and would extend to the highlands south of the St. Lawrence."

But while conceding the rightfulness of Maine's legal claim throughout the northeastern boundary controversy, Professor Ganong somewhat severely criticises her conduct as a party in the controversy. He says: "But while I think Maine's legal right to her claim is clear, I can by no means justify the conduct of Maine in endeavoring to force these extreme rights. Her right to the territory in dispute was not due to her discovery, exploration, or settlement of it; it was purely accidental. Moreover, the territory was of comparatively slight value to her; she had not a settler upon it nor a road to it for half a century after the treaty was signed. On the other hand, it was settled in good faith by British subjects, and was not simply valuable, it was invaluable to Great Britain. That under these circumstances Maine insisted upon the uttermost letter of her rights, refusing all accommodation until any other settlement was hopeless, is by no means to her credit. If Great Britain appears to disadvantage in employing diplomacy to save what she legally

had lost, in another way Maine appears to at least equal disadvantage in her Shylockian even though legal policy."

In other words, Maine, like the cold, selfish, heartless, grasping Jew of the *Merchant of Venice*, insisted upon the utmost limit of her claim. But is this a fair statement of the case? Professor Ganong minimizes Maine's interest in the disputed territory. That interest antedated the Revolution. It was the great hope of the people of Maine, as it was of all New England, that Canada would form a part of the new nation. When the war closed, leaving British possessions to the northward and eastward of the district of Maine, the boundary line was not a matter of slight importance on this side of the border, even if there was not a single Maine settler in the disputed territory. If that territory was valuable, even invaluable to Great Britain from a military point of view, so it was also to Maine and to the United States. In two wars with Great Britain our people had tested their strength with the mother country, and the possibility of another conflict could not be overlooked.

But although during the boundary controversy Maine stoutly asserted her rights in accordance with the provisions of the treaty of 1783, she did not refuse to listen to propositions having in view concessions on her part; in other words, her spirit was not "Shylockian." When in 1826, in accordance with the treaty of Ghent, an attempt was commenced to settle the boundary controversy by arbitration, Maine, though opposed to arbitration, acquiesced in the attempt. When again in 1832, in a new effort to settle the boundary controversy, the government of the United States sought to obtain from Maine a free hand, the legislature of the state acceded, and declared its willingness to consider a proposition for the relinquishment of her claim to the territory in dispute, on the ground of a suitable indemnity. The same willingness was manifested in the final negotiations between Mr. Webster and Lord Ashburton, and Maine accepted the proposed indemnification.

It is not forgotten that Professor Ganong, in saying that Maine in the northeastern boundary controversy adopted a "Shylockian" policy, admits that Maine finally assented to accommodation, but he says it was only when "any other settlement was hopeless." Yet Professor Ganong in his reference to the final decision makes this statement: "Maine was in part compensated by a large sum paid her by the United States, though it must by no means be inferred that this prompted her decision, for her stand in the matter had unquestionably been taken upon principle, and her consent was given for the good of the Union." In all probability some things were learned by Maine in the progress of the controversy, but a review of all the facts seems to justify the opinion that her stand in the matter was upon principle throughout. Neither selfishness nor avarice characterized her conduct. Her course was consistent and patriotic from the beginning of the controversy to its close, and it was because of her firm and intelligent action that the British claim, which was without legal foundation, was not pushed to a successful termination.

HENRY S. BURRAGE.

Political History of the United States. With Special Reference to the Growth of Political Parties. By J. P. GORDY, Ph.D. In four volumes. Vol. II. (New York: Henry Holt and Co. 1902. Pp. 581.)

THIS, the second volume of Professor Gordy's work, bears a new title. The preface says: "The title under which the first edition of this work appeared, namely, '*A History of Political Parties in the United States*,' was found to be inapt, as not properly indicating the subject-matter, and as causing the work to be confused with ephemeral campaign histories. It has therefore been determined to call it what it is — a *Political History of the United States*." The change of title does not, however, imply a change of plan. Political parties receive nearly as much attention as in the first volume; and their importance is recognized both in the full title and in the running half-title.

The period covered extends from Madison's inauguration in 1809 to the election of Jackson in 1828, a scant twenty years. Between these dates occurred Madison's diplomatic duels with Canning and Napoleon; the War of 1812; the acquisition of the Floridas; the announcement of the Monroe doctrine; a great migration into the valleys of the Ohio and the Mississippi; the rise of the question of internal improvements to a position of high importance; a rapid development of manufacturing in the northern and middle sections, due in large part to the embargo and the war; the consequent adoption by these sections of the policy of high protection; the suicide of the Federalist party; the temporary conversion of the Republican party to Federalist doctrines; the democratizing of state constitutions; the early stages of the organization of a new and more radical Democracy under the leadership of Jackson; the beginning of a general reconstruction of the party system; and two seasons of financial and economic disaster, one before and during the war, the other culminating in 1819.

In apportioning this large and important field Professor Gordy gives to the period which precedes the war, a space of three and a fourth years, considerably more than a third of the entire book. The events of this period which he narrates relate in the main to diplomatic history; it is the story told with exceptional clearness of the struggle of Madison to maintain against Canning and Napoleon the rights of the United States — a struggle made ineffectual not so much by Madison's lack of astuteness as by the treachery of Republican leaders in the Senate, and by the cowardice of the Eleventh Congress.

Four chapters, each of great value, cover the war period. The subjects are "War Legislation," "Bankruptcy of the Government," "The Hartford Convention," and "The English Liberals and the American Federalists." Despite Professor Gordy's well-deserved reputation for even-handed justice, I think that in the last two of these chapters the Federalists are treated with undue severity. It is true that they erred in judgment and were deficient in patriotism; but it was good luck rather than

wisdom or patriotism that saved their opponents. Jefferson was probably right in thinking that "if the war had continued a year longer it would have upset our government." The undeniable coldness of the Federalists towards the Union before and during the war was due in the main to the mismanagement of its affairs by the Republicans during the period from 1807 to the close of the war.

The chapter on "The English Liberals and the American Federalists," after quoting the censures of the Tory government by the Liberals because of its injustice to the United States, affirms that "the Federalists were much more ready to excuse England in her violation of our rights than were the English Liberals." There is truth in these assertions, but something that needs to be noted is left unsaid. Both the American Federalists and the English Liberals were parties in opposition; and each criticised the government, or the party in power, as is the wont of such parties. If in doing this the American opposition party went further than the English, it should be remembered that the American had more to complain of, and that in 1812 the restraining influence of national sentiment was less felt in the United States than in England—a fact which explains and excuses much in the conduct of Republicans as well as of Federalists. What was wholly virtuous when done by the English party in opposition does not become wholly vicious when done by its American counterpart.

In the following chapter, New England, at that time under the control of the Federalists, is made responsible for the refusal of Congress to follow "the lead of Madison and Gallatin in 1809"; for "if England and Napoleon had been given the alternative of ceasing their aggression or of going to war, there is great probability that the war would have been fought against France alone. In such a war the whole country would have been united." But the Congress that refused to follow the lead of Madison and Gallatin in 1809 was not under the control of New England or of the Federalist party. How then can they be held responsible for its conduct?

But if I could establish my contention as to these and other points that seem to me in some degree questionable, it would not detract sensibly from the many and solid merits of this book. Professor Gordy has sought by unsparing effort to find the truth, and to tell it conscientiously. Each chapter is well wrought out and is instructive. The first volume was very good; this is better; and the reader will wait with impatience for those—more than two, I venture to hope—that are to follow.

ANSON D. MORSE.

The Civil War and the Constitution, 1859-1865. By JOHN W. BURGESS. [American History Series.] (New York: Charles Scribner's Sons. 1901. Two Vols., pp. x, 320; vii, 347.)

PROFESSOR BURGESS has come so near writing the whole of this series that it does not strike one as an instance of the co-operative method in history work. His *Civil War* should be judged, I think, as any other

history of the war should be judged. True, his space was limited; and the title may, I suppose, be taken to indicate another limitation. But he has found space enough, one fancies, to set forth with considerable fullness all the views which he himself felt to be important concerning disputed questions. He is not given to hints or adumbrations: on the contrary, he is always positive, and usually, notwithstanding his apparent indifference to style, he is also clear. The fact that this book is one of a series does not, therefore, prevent the reader from feeling that it is decidedly Professor Burgess's book throughout, and that it is a fairly complete presentation of the American Civil War as Professor Burgess sees it. That he sees it from the point of view of "political science," rather than the point of view of one human being concerned about the life of a great mass of human beings in a former period, would be apparent from a very cursory examination, even if he were not at pains to tell us so many times in the course of his narrative.

Beginning with a study of Davis, Lincoln, and Douglas, as the three principal figures, the three storm-centers of the agitation and debate which immediately preceded the disunion movement, he goes on, in his second chapter, to discuss the antislavery sentiment in the south, and makes, I think, his best contribution to an understanding of the situation there in his account of the rise of a *bourgeoisie* in the southern towns and cities, opposed politically and industrially to the dominance of the planters. These two chapters are the most readable in the book. All the principal events of the year 1860-1861 are then stated, dryly and straightforwardly, with comment and criticism which is always intelligent but never imaginative or sympathetic. A decidedly national view of the Union is maintained throughout, and little concession is made to the theories of the Southerners or the Copperheads. In later chapters, the campaigns and battles are related very much as if they were operations in the *Kriegsspiel*. We learn in each case the names of commanders, the numbers and the situation of the forces, the plans of battle, the actual movements, and the results. Meanwhile, though not much attention is given to war finance, the steps in emancipation are followed in the same way. There is a useful review of the governmental changes, all tending to centralism, which came about during the four years; and at the end there is an account of the international complications. What more, for scientific purposes, could one require?

One reflects, however, that by far the greater number of persons who care to read two volumes on the Civil War will not have political science in mind. They will be interested, primarily, in a dramatic and profoundly moving story of human error, suffering, and heroism; and they will — very many of them — still have a notion that history is a department of literature. It would appear, therefore, that this work is meant chiefly for students of political science; and it is not to be doubted that these will find much of interest in Professor Burgess's discussions of various constitutional and political questions, and in his judgments of persons.

His opinion as to the true character of an American "state" is very close to Charles Sumner's. He even finds it necessary to use inverted commas in order to guard the reader against the error of supposing that the region across which Generals Curtis and Price led their armies was the "state" of Arkansas in any but a limited sense at the time of the Pea Ridge campaign. His treatment of the John Brown raid, following the analysis of Southern opinion on slavery, is the severest I have seen in any but pro-slavery books. His estimate of the effect it had in strengthening the disunion sentiment may be right; but many, even of those who agree with him on that point, will find his language rather violent. Brown, we are told, was "a notorious dead beat," had never succeeded in any legitimate business, had never earned any money, had two wives and some twenty children, and had left them to shift for themselves in penury and misery, while he was careering around performing things. . . . Brown had gotten into his first paying business, and he was determined not to have it ruined by publicity." His followers were "twenty-one villains," "Kansas desperadoes." Their performance was, naturally, "villainy": judged from the point of view of the responsibility of men for the means employed in the accomplishment of the plan of world civilization, it was "crime, and nothing but crime, common crime, and public crime." On the other hand, Professor Burgess, notwithstanding his entire rejection of Jefferson Davis's theories, evidently feels much admiration for the Confederate President, and even credits him, rather than Lee and Jackson, with the grand strategy of the Virginia campaign of 1862. This is quite different from the accounts of other writers — Mr. Rhodes's, for example, and Colonel Henderson's, in his *Life of Jackson*. One wishes here that the plan of the series had permitted an exhibition of authorities.

The book, I think, must depend chiefly on the discussions of constitutional points for its chance of a permanent place among the histories of the period. It will scarcely take rank as literature, and it has neither the fullness of detail nor the evidences of original research to justify one in considering it as a rival, say, to the work of Mr. Rhodes. For certain uses, however, its directness and matter-of-fact form may recommend it.

W. G. BROWN.

Ancora un Po' più di Luce sugli Eventi Politici e Militari dell' Anno 1866. Per LUIGI CHIALA. (Florence: G. Barbèra. 1902. Pp. viii, 675.)

THIS work of the illustrious Italian historian, Luigi Chiala, is the most important which has yet been published in any language upon the intricate diplomacy of Europe during the year 1866. In the general lines of the account Chiala does not depart notably from the most authoritative works of other Italian writers, but his account is far more detailed and complete than any of these, and not only does he reinforce the general statements of his predecessors with a wealth of documents and of

detail, and with clear and forcible reasoning, which place the loyalty and good faith of the Italian government in that trying period beyond dispute, but by means of numerous edited and inedited despatches of the Italian ministers and special envoys at the courts of Berlin and Paris, juridically estimated and explained, he succeeds in constructing a clear and detailed general account of the changing and conflicting purposes and moods of the Prussian and French governments, such as no Prussian or French historian has yet succeeded in writing.

In 1866 Paris was the center of European diplomacy. France for the last time in the nineteenth century was looked to as a determining factor in international disputes, and down to the Battle of Sadowa Napoleon III. was the arbiter of the destinies of Europe. Happily, at this time Italy was represented at Paris by one of the ablest diplomatists ever in her service, Conte Nigra. Well received at the French court owing to the well-known friendship of Napoleon III. for Italy and owing to his own intimacy with the Empress, the keenly observing Nigra was able to keep his government remarkably well informed, not only upon the varying moods and ambitions of Napoleon III., but also upon the diplomatic attitudes of Prussia and of Austria, which were largely determined by the policy of the French Emperor, and which were for the most part well understood at Paris. The diplomatic correspondence of Nigra, largely inedited, has been at Chiala's disposal, and is freely quoted and ably commented upon throughout the work. These despatches, characterized by keen and clear judgment, form a most important addition to the sources of the historian upon the diplomacy of 1866, already so abundant, thanks to the indiscretions of Benedetti and of La Marmora, and to the revelations made for political purposes by Bismarck. For the student of general European history, of scarcely less importance than the diplomatic correspondence of Nigra is that of Conte Barral, Italian minister at Berlin, and that of Generale Govone, Italian envoy extraordinary at the same court, both also largely inedited and quoted at length by Chiala.

For the more particular history of Italy, Chiala reveals to us many unpublished primary sources, of which the most important is a portion of Part II. of La Marmora's famous *Un Po' più di Luce*, here reproduced at length in the most extended of the appendixes. La Marmora had refrained from publishing this, owing to the lively remonstrances made even by those most devoted to him, on account of the indiscretions committed in the publication of Part I. Of Part II., the military portion had been submitted to the general staff of the Italian army as an aid in the compilation of the Italian official work, *La Campagna del 1866 in Italia redatta dalla Sezione Storico del Corpo di Stato Maggiore*, and therefore is omitted by Chiala; the political portion, which now for the first time sees the light, relates to the events of the first two weeks of August, and bears irrefutable testimony to the important service rendered to Italy by La Marmora in obliging the King and the government to make peace after the armistice by Prussia at Nikolsburg. Among important inedited documents relative to the direction of the Italian campaign, the

greater number procured from private archives and here quoted in abundance in appendixes and in the text, are letters of Cialdini, La Marmora's fellow commander; a memoir and letters of Petitti, adjutant-general of the army; and a diary of Pettinengo, minister of war. Apropos of Vittorio Emanuele's intractableness as commander-in-chief of the army in 1866, two most interesting letters are given, addressed to Cavour in 1859 and revealing at once the violence of the King's temper and his high opinion of his own abilities as a military leader. It should be noted that scarcely a document is quoted upon the Battle of Custoza itself, of June 24, which, treated at length by Chiala thirty years ago in his *Cenni Storici sui Preliminari della Guerra del 1866 e sulla Battaglia di Custoza*—a work which remains to-day authoritative,—is dismissed in the present volume with a passing reference.

In coördinating the large number of documents at his disposal, Chiala has followed the method adopted by him in many of his other works. ✓ Of the briefer documents, those most pertinent to the immediate scope of the author are skilfully arranged so as to form, with the aid of critical ✓ introductory and connecting paragraphs, a continuous narrative; the ✓ lengthier and the less pertinent documents are given in appendixes. The main theme, the development of which gives unity to the work, is ✓ the vindication of Italian loyalty toward Prussia during the alliance and war of 1866, and more especially the vindication of the uprightness of ✓ the Italian statesman and general, La Marmora, who had been the special object of attack for writers of the Prussian school, of which von Sybel's *Begründung des deutschen Reiches* is a typical product. Mutual distrust between the Prussian and Italian governments was born with the first preliminaries of the treaty of alliance, and had its origin in the very reason for the alliance itself. This mistrust on the part of Prussia was directed especially against La Marmora, who frankly showed from the first his reliance upon the friendship of France toward Italy. Unfortunately, inaccurate and false official reports from Usedom, the bungling minister of Prussia at Florence, and of Bernhardi, Prussian councillor of ✓ legation, aggravated this mistrust; and, unfortunately again, these reports have been accepted as trustworthy by all Prussian historians, unverified by a critical comparison with other documents which the lapse of time has brought to light. The reports of Bernhardi to von Moltke, now ✓ filed in the state papers of Prussia, formed a primary source for von Sybel; and the minute diary of Bernhardi, now in the course of publication under the title *Aus dem Leben Theodor von Bernhardis* bade fair to furnish a new fund of calumnies for von Sybel's successors. Chiala, however, has been willing to undertake the thorough and difficult examination of documents from which the German historians have shrunk, and the present volume, which is the result of his critical work, so successfully demonstrates the utter incapacity of the Prussian legation at Florence, and with such a breadth of view and mastery of detail exposes the falsifications and misjudgments of Usedom and of Bernhardi, that one may reasonably expect that no German historian of repute will in future dare

to repeat the calumnies of the past against Italy and against her unfortunate La Marmora. Chiala has certainly earned the gratitude of historians by his earnest, critical account, as well as by the wealth of documents which he has brought within their reach, and his volume takes its place among his other works as second in importance only to his well-known publication of the letters of Cavour. ✓

HARRY NELSON GAY.

The Story of the Mormons. From the Date of their Origin to the Year 1901. By WILLIAM ALEXANDER LINN. (New York: The Macmillan Co. 1902. Pp. xxiv, 637.)

RELIVING mainly on original Mormon publications, the author has succeeded in giving the first critical and thorough treatment of a "long unwritten chapter of American history." In Book I. he shows from rare and suppressed sources that the Mormon origin depended on the credulity and superstition of the Smith family; the chapter on the origin of the *Book of Mormon* is not so satisfactory. External evidence is against its early fabrication by Smith's later associate, Sidney Rigdon; internal evidence makes the *Mormon Bible on Plates* authentic and of some historical interest. First published in 1830, it contains echoes of the anti-Catholic campaign, the Antimasonic agitation in western New York, and the so-called Washingtonian temperance movement. There are also to be found verbal quotations from the *New England Primer* and Paine's *Age of Reason*. If the fraudulent character of the Mormon canon cannot be established, duplicity was yet a mark of its author. Upon the removal of the infant church to Ohio, as described in Book II., Smith claimed as his own the semi-communistic system of Rigdon, and upon the failure of the Kirtland Safety Society Bank, repudiated his debts and fled to Missouri. Here his land speculations were merely symptomatic of the panic of 1837, but his advice to the Saints to abandon their possessions and come to the land of promise brought trouble. What the new converts had lost in the east they were told they might make up in the west by "appropriation of the good things of the Lord." It was this spoiling of the Gentiles that ultimately led to the expulsion of the Mormons from their prosperous settlements in Jackson county. Upon the founding of Far West, Smith succeeded in imposing the tithing system upon his followers, but the attempt to recoup themselves by counterfeiting was another cause for the beginning of active hostilities. Rigdon's notorious Fourth of July oration against the "uncircumcised Philistines of Missouri," in addition to the charge of tampering with slaves, brought about election-day riots and a speedy state of civil war. Both sides were to blame in this. Smith's defiance of the authorities was followed by the massacre at Hawn's Mill, while Governor Bogg's order of extermination was but a result of the depredations of the prophets' "Fur Company."

Book IV. opens with the forced immigration to Illinois and the unexpected welcome of the Saints, for not only the landowners but the politicians were friendly to the rapidly growing church. The Mormon vote

was deemed important by both Whigs and Democrats, but Smith showed his lack of political sense by vacillating between the two parties, for example, scratching the name of Abraham Lincoln on the electoral ticket, although the latter had been instrumental in granting to the Mormons the charters for the Nauvoo city government and the Nauvoo legion. The prophet had already announced to the faithful his plan of taking the state and ultimately the whole country, and now, after abusing Clay and Calhoun, his name appeared in the *Times and Seasons* as candidate for President of the United States! Such absurd pretensions, however, could not hide the dissensions agitating the Mormon body politic. Upon Major Bennett's threat to expose the rotten social conditions at Nauvoo, he was expelled from the church, but not until after giving damaging evidence against the prophet as originator of the spiritual wife doctrine. The rebellion against Smith's polygamous teachings was further disclosed in the issue of the *Expositor*. When this independent journal was wantonly destroyed, the non-Mormon residents organized and armed, demanded of Governor Ford the arrest of the Smiths and landed them in Carthage jail. After the unjustifiable murder of the "martyrs" Joseph and Hyrum, Brigham Young came to the front and was the leader in the evacuation of Nauvoo, necessitated by the continued hostility of surrounding counties.

The migration to Utah is the subject of Book V. Back of this movement with all its hardships was the aim of the church to form a little empire of itself, which was to be self-supporting as well as independent. But the rapid settlement of California by the "forty-niners," and the connection of the two coasts by rail upset the Mormon plans and disclosed the impotence of Mormonism against modern progress. Meanwhile thousands of illiterate converts were drawn from Great Britain and Scandinavia to Utah by false pictures of prosperity. Fortunately the threatened starvation of the first winter was prevented by the influx of gold-seekers, but Young's schemes for economy in the emigration fund led to the later tragedy of the hand-cart expedition. The ambition of the Mormon leaders for political independence was shown in the adoption of a constitution for the state of Deseret, and their confusion of ideas in their application for a territorial delegate. Among the causes for the growth of Young's despotism, Mr. Linn gives the non-interference of the Federal authorities, the helplessness of the new-comers from Europe, the influence of superstition, and the system of church espionage. Of the reality of "blood atonement" demanded of the discontented, and of the actuality of church-inspired murders, evidence is given from official sources. So the responsibility for the Mountain Meadows massacre is attributable to Young because of the fatuous appointment of him as territorial governor. Connected with this were the incendiary teachings in Salt Lake City, Buchanan's discovery of Young's despotism, and the seditious attitude of the Mormons during the Civil War, because of Lincoln's let-alone policy. But with the building of the Pacific railroad the Mormons lost power, and the courts were enabled to indict the

leaders for their polygamous practices. Mr. Linn, besides correcting exaggerated views of Young's executive ability, has given the first consistent account of the fight against polygamy. The final chapter gives as salient points of the Mormonism of to-day,—polygamy traded off for statehood, but still a living doctrine; false promises of prosperity to the older converts, but the continued fidelity of the younger members; decreased foreign membership, but increased political power in the west. Closing with a sketch of the persistent Mormon ambition for political supremacy, the author dwells on the vital importance of a Federal Constitutional amendment against polygamy. The book is thoroughly indexed and well illustrated with documents from Mormon sources.

Colonial Government: An Introduction to the Study of Colonial Institutions. By PAUL S. REINSCH. (New York: The Macmillan Co. 1902. Pp. x, 386.)

Essays in Colonization. By ALBERT G. KELLER, Ph.D. (Reprinted from the *Yale Review*, August, 1900, May, 1901, February and May, 1902. Pp. 175-190, 30-52, 390-416, 1-26.)

DR. REINSCH has done a serviceable work in bringing into small compass and orderly form the essential facts of colonization. In a brief introduction the modern aspects of colonial enterprise are noted, in contrast with the older, and his own definitions of "colony" and differentiation of colonies are set forth. The distinction which he makes the basis of his classification of colonies is one which is generally recognized but not so definitively characterized as in his terms "settlement" and "exploitation" colonies. These connote both the character of the population and the location of the colonies as to latitude, for each type has its zone.

The work then proceeds, not at first in the paths of the various European discoveries and colonial ventures, but rather across these, to question as to the motive of their undertaking. Adventurer, merchant, missionary, capitalist, and exile are alike hailed on their voyages, and their cargoes or purposes inspected. In this way the movements of population and the motives of colonization are exhibited in brief space. A swift journey through the regions settled or controlled by European enterprise discloses the methods in which these individual motives have expressed themselves.

The second part of the book is devoted to a description of the general forms of government under which European states have organized their relationship to their dependencies and have exerted control, running the colonial gamut from spheres of influence, colonial protectorates, and chartered companies, through direct administration, representative institutions, and self-governing colonies to colonial federation. Here is presented in brief space a very suggestive and comprehensive view of colonial governments. The description is full enough and clear enough to give one unfamiliar with the subject an intelligent notion of the characteristics of the varied forms of colonial life, and yet so full of interest

as to impel one to a quest of the literature to which the ample bibliographies of the meager chapters give reference.

And what is said of the second part as fitly characterizes the third, which has to do with the "institutions of colonial government"; first with the organs of control in the mother-country and the legislation there enacted, then with the institutions in the colonies themselves, their municipal and local government, and their laws and courts.

This volume of "The Citizen's Library" is profitable both for correction and for instruction. It should be of value to the citizen in correcting erroneous notions about "empire" and "colony," and of value to the college teacher in giving this succinct, lucid, and suggestive statement, a syllabus which may be very profitably used as the basis of instruction in this subject. We in America have been needing such a work for two or three years, and it must be a satisfaction to many that the accurate scholarship of Dr. Reinsch has at last brought it forth.

Dr. Keller's little book is a reprint of four articles by the author from *The Yale Review*. The first relates to Italian expansion, the others to German colonization and colonial policy. They are simply the following of two veins which a cross-section study such as that of Dr. Reinsch discloses. The story of Italy's expansion and attempted colonization is as brief as it is full of disaster and disappointment. She had hoped by taking thought to add to her stature, to come again into the glory and power of empire which once lodged within her borders; but her megalomania, which saw a great dependency grow almost in a day in northeast Africa, saw it dwindle again, even more rapidly than it had been built, into little more than a sand-spit on the shores of the Red Sea. Dr. Keller calls especial attention to the greater advantage which a cultivation and fostering of "natural colonies" in South America would give to Italy. She has already had greater commercial benefit from these than from Eritrea at its best.

The story of German colonization is also brief. Although it seemed that all the available portions of the earth had already been appropriated when Germany came into the world's councils and into a desire for world dominion, she has yet been able to gather a few fragments in Africa, to gain a foothold in China, to develop an interest in Asia Minor, and to pick up some scattered islands in the Pacific. But the strength of the Germans is in settling new countries (already politically preëmpted by others) and in contributing to the "formation of the effective races of the future." Her real empire promises to be of the sea rather than of the land, commercial rather than political.

These interesting essays of Dr. Keller in Italian and German colonization are suggestive of a new sort of knowledge with which our present "science of society" must be informed.

The Mastery of the Pacific. By ARCHIBALD R. COLQUHOUN. (New York: The Macmillan Co. 1902. Pp. xvi, 440.)

MR. ARCHIBALD COLQUHOUN is a well-known traveller and newspaper

correspondent; he has had administrative experience both in Burma and in Mashonaland; and he has produced many descriptive works on the far east. His latest volume consists of well-illustrated chapters upon the political and economic condition of the powers that control the Pacific Ocean. To the United States is allotted four chapters, to Great Britain, five, to the Dutch, three, to Japan, two, and to the other powers, Germany, France, Russia, and China, only one. An introductory chapter of about twenty pages is given to the history of the Pacific, and that chapter alone demands attention in this review. It contains a summary of the ethnology of the Polynesians and the Malays, and a few paragraphs upon the early history of the Europeans in the Pacific. These paragraphs are so condensed that it is not possible to criticise them in detail. It may be that Mr. Colquhoun has never really studied the history of Europe, or it may be that the difficulty of condensation has caused him to leave a false impression of ignorance. To follow up the remark that "the Batavian Republic was entirely under the thumb of France" with a sentence on the Battle of Waterloo may imply that Mr. Colquhoun is ignorant of the changes which marked the transformation of the United Netherlands by way of the Batavian Republic into Louis Bonaparte's Kingdom of Holland, and eventually into a group of departments of Napoleon's Empire, but it looks like over-condensation. "The Republic of Batavia" is, as a phrase, to be utterly condemned as both inaccurate and sadly misleading. The little bits of history which turn up in the descriptive chapters seem generally to be correct, but it is to be borne in mind that Mr. Colquhoun is a traveller and a journalist, and not a trained historian. His account of his experiences in the Philippine Islands during the early days of the American occupation has much value as material for history, and some of Mr. Colquhoun's statements should be borne in mind in political quarters. Such remarks as "There is no Filipino tongue as there is no Filipino nation" (p. 136) and "Judge Taft is peculiarly the stamp of man to deal successfully with the Philippines" (p. 153) are valuable evidences of contemporary opinion by an experienced administrator, and the usefulness of the chapters on the United States in the Pacific lies in such remarks.

There is nothing of such value in his comments upon the English and the Dutch in the Pacific, for the situation of those powers was not in a critical condition at the time of his visit, but the descriptions of life and character there are excellently written and admirably illustrated. The chapters on the New Japan that deal with the Japanese in Formosa are of much greater value, for the Japanese experiment is still only an experiment, and it is not yet certain whether the Japanese will successfully settle and civilize their conquest. Mr. Colquhoun's remarks on this subject make interesting reading when it is borne in mind that the Japanese, like the Americans, are making their first attempt at a colonial policy in Asia. On the whole, it may be said that Mr. Colquhoun's book is full of interesting matter and that he has provided some descriptive material which may prove of value to students interested in the

political question of the Pacific. The title of his book, however, is somewhat of a misnomer, for his book is rather a description of the powers now at work in controlling and settling the civilization of the lands watered by the Pacific Ocean than a history of the contentions for the mastery of that ocean or an attempt to analyze the elements that will play a part in the future in that contention.

H. MORSE STEPHENS.

History of the Roman People. By Charles Seignobos, of the University of Paris. Translation edited by William Fairley, Ph.D. (New York, Henry Holt and Co., 1902, pp. x, 528.) This book is chiefly significant as illustrating the author's idea of adjusting history to the needs of elementary instruction. It is apparently written for the sole purpose of making the history of Rome intelligible and interesting to the mind of the average pupil. It is emphatically a story; and it might be regarded as a protest against the assumption that school-children are critical scholars, capable of appreciating the results of the labors of Mommsen and Ihne and Ettore Pais, as some of our school histories appear to assume. While we may question the propriety of writing an elementary history from the point of view of the historical critic, we may also entertain a serious doubt whether even the most elementary history of Rome should be written to-day as it might have been written half a century ago. Even the "charm so characteristic of French historical writing," to use the words of the editor, will hardly atone for the prominence here given to the Roman legends. In seeking to adapt this work to the use of the American class-room, the editor has reduced some of the "anecdotal material" to a finer type, and some of it he has dropped altogether; and brief critical notes are occasionally inserted to correct the false conclusions that might be drawn from the text. The editorial scissors and pen might with advantage have been used less sparingly. The author has given a few very interesting chapters on some phases of Roman life and customs; but this is often done at the expense of the political history. For example, the same number of pages is given to the description of the Roman army as is given to the constitutional development of the early Republic.

The editor has added four chapters bringing the history down to the time of Charlemagne, to meet "the requirements of our American schools." These chapters, while lacking the simple narrative style of the French author, show quite as much insight into the historical movements described. The editor has generally a very intelligent conception of the transition from the Roman to the medieval period. But what shall be thought of the following statement as setting forth one of the social and economic causes of the fall of Rome? "Another cause of weakness to the Romans was their caste system, which destroyed the ambition of the individual, and made life monotonous and hopeless, somewhat as in India to-day, for the average man. What a man was born, that he must continue to be; if his father was a sailor, or a carpenter, he must be the same" (p. 435).

The bibliographical aids in the form of "sources" and "parallel readings," which accompany each chapter, are among the best part of the editor's work, and are unusually well suited to the work of the classroom.

Annibal dans les Alpes. With plans and illustrations. By Paul Azan, Lieutenant of the Second Zouaves. (Paris, Picard, 1902, pp. 234.) This subject has inspired an enormous mass of literature. The bibliography collected by Lieutenant Azan, ranging over the past four centuries, fills nineteen pages of his monograph. Most of these works he has consulted; and he has classified the routes proposed by the various authors in systems and groups of systems with reference to the "*col de franchissement*" of the Alps. This method greatly simplifies the discussion. The basis of his study, however, is the account of Polybius, and to some extent that of Livy, interpreted in the light of a most careful examination of the topography. The result of this inquiry may be given in his own words: "Annibal a passé le Rhône près de Roquemaure. Il a remonté la rive gauche de ce fleuve, puis la rive gauche de Isère, et enfin la vallée de l'Arc. De là il est arrivé au Petit Mont Cenis et a gagné la vallée de la Doire Ripaire par le col du Clapier. L'Ile, le Drac (Druentia de Tite-Live), la vallée du Graisivaudan, le col du Grand Cucheron (commencement de la montée des Alpes), la vallée de l'Arc, la position d'Amodon (leukopetron), le col du Clapier avec son plateau propre au campement, sa vue de l'Italie et sa descente escarpée, jalonnent le parcours dont Polybe nous a laissé le récit."

The author has certainly added new interest to this fascinating subject; and although he does not claim originality in every point, he deserves the larger share of credit for the discovery and exposition of a route which seems to meet all the conditions imposed by the accounts of Polybius and Livy

G. W. B.

The latest volume of the *Monumenta Germaniæ Historica* — Tomus IV. of the *Scriptorum Rerum Merovingicarum* (Hannover and Leipzig, Hahn, 1902) — is, like its predecessor in this series, devoted to the *Pasiones Vitaeque Sanctorum Aevi Merovingici* and, as hitherto, under the able but severe editorship of Bruno Krusch. Fierce has been the strife kindled by his earlier results as to the Merovingian saints, and especially by his conclusions as to the date, the birthplace, and the sources of that important martyrology which has so long borne the name of Jerome. This new volume will hardly bring peace to the critics. It is with a fire and a bitterness which in a dead language are almost uncanny that in his *Epilogus Editoris* he now pays his respects to the "*schola quæ dicitur legendaria*" and to its assaults upon his previous volume. Much milder is the brief preface of Dümmler — alas, that it should be our last from that great editor-in-chief — which points out that the present volume covers the period from the opening of the present century to about 660 and that its contents are the lives of Columban, of Sulpicius of Bourges and

Desiderius of Cahors, of the abbo Fursey, of Haimhram (Emmeram) of Ratisbon and Eligius of Noyon, all at least in part genuine, together with several apocryphal biographies, such as those of St. Goar and St. Gall, the passion of Thrudpert of Breisgau, and the lives of the abbots of Remiremont.

G. L. B.

The Life and Times of Alfred the Great. Being the Ford Lectures for 1901. By Charles Plummer, M.A., Fellow and Chaplain of Corpus Christi College, Oxford. (Oxford, Clarendon Press, 1902, pp. xii, 232.) Mr. Plummer's volume is an effective protest against those who read history backward and a rebuke to those who consider "the greatest name in English History a theme on which any one may try his prentice hand." Few books are more satisfactory in technique and results. It is the most scholarly presentation yet made of Alfred's reign, and in conjunction with the same author's *Two Saxon Chronicles* it deals with practically every important topic, details of legislation excepted.

Seventy per cent. of the work is devoted to the critique of sources and to Alfred's translations with a view to determining authorship, order of succession, and the revelations they afford of Alfred's personality. In this connection the discussion of the *Orosius* is particularly fruitful, while the *Boethius* is treated finely and upon somewhat broader lines than the rest of the book. One-fifth of the entire work is devoted to *Asser*. Mr. Plummer concludes that the attempt to treat it as a forgery of the eleventh and twelfth centuries has broken down and that in the present text, dating about 975, there is a "nucleus which is the genuine work of a single writer, a South Walian contemporary of Alfred," and he knows no reason why the author should not be Asser of Menevia. The work must be used with criticism and caution, on account of interpolations and Asser's "Celtic imagination." Asser did not write the *Anglo-Saxon Chronicle*. Mr. Plummer's critique leads him to reject the myths which make Alfred the founder of Oxford University, inventor of shires and the jury system, monarch of all Britain, the coward who flees to Athelney, and the burner of cakes. Asser's tale of the picture-book appears to be true.

The following passages deserve especial mention: that which reinforces Stubbs's interpretation of Alfred's title "secundarius" by Celtic analogies; and the foot-note on page 176, which equates Saxon technical terms of officers and institutions with the corresponding Latin ones by means of Alfred's translation of *Bede*.

O. H. RICHARDSON.

* *Companion to English History, Middle Ages.* Edited by Francis Pierrepoint Barnard, M.A., F.S.A., with ninety-seven plates. (Oxford, The Clarendon Press, 1902, pp. xv, 372.) This series of short essays is designed to put at the service of teacher or student of English medieval history the means of acquiring something more of the "culture-history" of the people than is to be found in the ordinary text-book

prepared for school uses. The authors are for the most part well-known and their names already associated with the several themes which are here assigned them. Thus Mr. Gotch writes upon "Domestic Architecture"; Oman, upon "Military Architecture and Art of War"; Oppenheim, upon "Shipping"; Lucy Toulman Smith, upon "Town Life"; Jessop, upon "Monasticism"; Leadam, upon "Trade and Commerce"; and Hartshorne, upon "Costume, Military and Civil". Other subjects treated are "Ecclesiastical Architecture", Galton; "Heraldry", the editor; "Learning and Education", Rait; and "Art", Rushforth.

Unlike many books of this composite character, the work is uniformly excellent. The editor, however, has not been sufficiently watchful. Yet where there is so much of high quality the reviewer may well hesitate to notice such slips as the misspelling of the name of Bishop Stubbs, or the misquoting of the title of Mr. Cunningham's well-known work. We may also pass over in silence an occasional repetition or even inconsistency of statement. The latter perhaps is almost unavoidable where many authors write upon topics which are related in time and hence frequently overlap or merge along ill-defined borders. Such faults are to be charged to this method of making books.

It is, however, a serious oversight that such short shrift is given to the friars and the military orders. They certainly deserve as full treatment as the Benedictine monasteries. It is true that Mr. Jessop excuses himself for not treating the friars in treating of monasticism, on the plea that "the brothers" were not really monks. That may be so; but then the author should have been assigned a topic big enough to cover the entire field of religious fraternities. The essay of Mr. Rushforth is open to a criticism of another kind. The treatment is not only meager but dry and lifeless. After wading through this small Sahara, one is not surprised to find the author acknowledging, with an evident sense of relief to be rid of the business, that England has never been the home of a great art. Possibly Mr. Rushforth's studies in classical art, in which he enjoys a well-deserved eminence, have unfitted him to appreciate the attainments of his own countrymen toiling in the obscurity of a humbler age.

The book as a whole will certainly be regarded as a valuable acquisition to the working library of the teacher of English history and a special boon to the man who has not ready access to many books. The vast array of technical material which has been packed into these brief essays cannot for obvious reasons be treated in the ordinary text-book, and yet some treatment of these topics is essential to any worthy study of the life of medieval England.

B. T.

The second volume of Professor Kovalevsky's *Oekonomische Entwicklung Europas*, which has lately appeared in German translation (Berlin, R. L. Prager), will be welcomed by all who are interested in the history of institutions. While the author's interest is chiefly on the eco-

nomic side, the book is one of the best examples of historical work yet given us in economic lines. Professor Kovalevsky has already proved himself superior to the temptation which so often assails the works in economic history, and especially in sociological, to theorize on an insufficient basis of fact; and the conclusions of this book, whether one accepts or rejects them, are plainly reached by a careful study of the texts. The volume is concerned with the institutions of the feudal age. It opens with a study of the origin of feudalism; the second chapter deals separately with the Anglo-Saxon origins; and the third with the old German mark, in which issue is taken on several points with the conclusions of Fustel de Coulanges. The remaining chapters deal almost exclusively with the economic side of feudalism in France.

It is encouraging—it is indeed the mark of a new era of study—to see the line drawn so consciously between the economic and the political sides of feudalism as the author draws it, to have the question of the origin of the economic side treated as something which can be studied and settled almost entirely apart from the question of the origin of the political side. The writer of this notice would personally like to modify some of the author's minor points—as in regard to some of the results of the Roth-Waitz controversy and the interpretation of Bishop Oswald's letter—and slightly the phrasing of some of his conclusions, but these are not essentials. In its general features the treatment here given of economic feudal institutions and their origins, in England as well as on the continent, is to be commended to the careful study of all who are interested in medieval history.

G. B. A.

Actus Beati Francisci et Sociorum Ejus. Edidit Paul Sabatier. [Collection d'Études et de Documents sur l'Histoire Religieuse et Littéraire du Moyen Âge, Tome IV.] (Paris, Fischbacher, 1902, pp. lxiii, 271.) The foremost Protestant authority on St. Francis has added another to his already numerous and valuable publications relating to the life and work of this saint, by editing the *Acts* of St. Francis and his companions, a compilation which he dates not later than 1328. The edition is modestly described as provisional, but it is not likely that any one will soon wish to review the same ground. The editor's chief authority for the text is a late fifteenth century manuscript, now in the possession of the University of Paris, but several other manuscripts are compared, including the six of the Bollandists. In the developing Franciscan legend the *Acts* rank thus: 1. The *Speculum Perfectionis* of Brother Leo, already edited by Sabatier. 2. Bonaventura's *Legenda*. 3. Our *Actus*, which in turn underlie the *Fioretti*, also edited by Sabatier (*Floretum S. Francisci Assisensis*).

In the preface to the work in hand, Sabatier comments upon the historical value of the Franciscan records, declining for his own part to be numbered with the critics who would resolve all questions by the short and easy dilemma, "true or false." Then follows an adequate descrip-

tion of the manuscripts employed ; then the text, clearly and attractively printed ; and lastly a good index. There is also a convenient table of comparison, to show how far the chapters of the *Fioretti* correspond with those in the *Acts*. Sabatier thinks the *Acts*, in their present form, lack some chapters which stood in the original, and contain others, *e. g.*, 61-66, which were not in the original. He believes the chief compiler to have been Hugolin de Monte Giorgio, about whom, however, little is known. Of course history and legend mingle in the *Acts*. The editor points out that stories of the founder tend to repeat themselves in the lives of his disciples (see *e. g.*, *Acts*, Chap. 49). Another sort of development appears in Chap. 31, where a striking resemblance is noted between what the devil says to Rufinus and what certain cardinals once said to St. Francis.

J. W. P.

Life and Letters of Thomas Cromwell. By Roger Bigelow Merriman. (Oxford, The Clarendon Press, 1902, two vols., pp. viii, 442 ; iv, 356.) Much the greater part of this work consists of documents bearing on the life of the great minister of Henry VIII. Of these, the letters fill a considerable part of the first volume and all of the second. In searching out and publishing these documents Mr. Merriman has done a service to the students of the period, as a number of the letters appear here for the first time in print. The life of Cromwell, which fills about half of the first volume, is a careful piece of research. On the obscurity of Cromwell's early life it throws little new light, though it does correct certain errors into which previous investigators have fallen. There is, of course, much material for an account of his life while he was in power, and this Mr. Merriman has sifted with much care, following, as he says in his preface, Mr. Owen Edwards's "Lothian Prize Essay" of 1887 in his general arrangement. While the work forms a careful and scholarly study of Cromwell, one may be permitted to express a regret that the style lacks in finish and clearness. The book is, presumably, a thesis for an advanced degree, and it has the defects of its qualities, as well as the virtues. As to the conclusion of the whole matter, Cromwell's place in history, we may not all agree, perhaps, with the characterization of the preface, but it is not the less interesting on that account. "Though it would certainly be difficult to overrate his importance in the history of the Church of England, I maintain that the motives that inspired his actions were invariably political, and that the many ecclesiastical changes carried through under his guidance were but incidents of his administration, not ends in themselves. Consequently any attempt to judge him from a distinctively religious standpoint, whether Catholic or Protestant, can hardly fail to obscure the truth. I cannot agree, on the other hand, with those who have represented Cromwell as a purely selfish political adventurer, the subservient instrument of a wicked master, bent only on his own gain. It seems to me as idle to disparage his patriotism and statesmanship as it is to try to make him out a hero of

the Reformation. He merits a place far higher than that of most men of his type, a type essentially characteristic of the sixteenth century, a type of which the Earl of Warwick in England and Maurice of Saxony on the continent are striking examples, a type that profoundly influenced the destinies of Protestantism, but to which theological issues were either a mere nothing, or else totally subordinate to political considerations."

Under the grim title *Terrors of the Law* (London and New York, John Lane, 1902, pp. 129), Francis Watt, favorably known for his learned and picturesque essays on British legal antiquities, presents vivid portraits of Jeffreys, Lord Advocate Mackenzie, and Robert, Lord Braxfield, the original Weir of Hermiston. All three of the papers have previously appeared in periodicals, that on Mackenzie in the *Anglo-Saxon Review*, the two others in the *New Review*. The estimates are intensely lifelike, and perhaps the characterization of Jeffreys may contribute somewhat to modify the conventional view of Macaulay's monster. Since the first publication of Mr. Watt's essay Mr. H. B. Irving has issued his more elaborate vindication of the notorious judge. The essay on Braxfield, which opens with a graphic description of the state of Edinburgh toward the close of the eighteenth century, is the most complete account in print of that interesting if not historically important person. The whole book throws light on the judicial procedure of a century or two ago. Of the three portraits which illustrate the text, that of Braxfield, after the picture by Raeburn in the Parliament House, Edinburgh, is particularly striking.

A. L. C.

Father Marquette. By Reuben G. Thwaites. [Appletons' Life Histories.] (New York, D. Appleton and Co., 1902, pp. xv, 244.) The completion of the new edition of *The Jesuit Relations* has given Mr. Thwaites an opportunity of popularizing some of the narratives which he has so closely studied. The Canadian mission to the west had no more saintly character on its roll than Marquette, and the story of the nine years of his life that were spent in the missionary field is told in a simple and interesting manner. The book is one for young people, for whose benefit explanations of non-familiar names and objects are given, and for whom no references to authorities are required. Mr. Thwaites has perhaps placed too high a value upon the share which Marquette had in the great discovery. Joliet was a bold and active voyageur, accustomed to long journeys into the wilds, whose enterprise and judgment had impressed themselves on two good judges. Talon and Frontenac. Marquette was appointed by, and represented the church, always on the lookout for missionary stations and opportunities of exercising his spiritual functions, while Joliet, the true explorer, was carefully carrying out his instructions and noting those features of land and river which lent themselves to the extension of the French domain. In his reputation he was doubly unfortunate, first, in losing all his maps and papers within

sight of the termination of his journey, and second, in having for a companion one whose saintly character added fresh glory to the powerful society, which coveted the further distinction of the discovery of the Mississippi. The volume is illustrated by copies of Marquette's journal and map, borrowed from Volume LIX of the *Relations*, and by photographs of the bronze reliefs on the Marquette Building, Chicago, designed by Mr. H. A. McNeil.

AMES BAIN.

La Vie Littéraire à Dijon au XVIII^e Siècle, d'après des Documents Nouveaux. Par L'Abbé Émile Deberre, Docteur ès Lettres. (Paris, Alphonse Picard et Fils, 1902, pp. 413.) In the present volume the author, who has very recently published his thesis: "Quid Sit Sentientium de Philippi Destouches . . . moribus," reviews the various phases of literary activity in Burgundy in the eighteenth century. The book is divided into three principal parts, devoted respectively to the work done in pure literature and bibliography, in history, and in the sciences; and to these are added a long and rather garrulous preliminary chapter on culture and education at Dijon, a shorter summary, a hundred and five pages of "documents," and an index of names.

Mr. Deberre has two striking personal limitations — his local Burgundian patriotism and his character as priest. Of the first named he has made a virtue; without it he could not have written the book at all. The second makes itself to be felt heavily from beginning to end of his work, principally in restricting his literary horizon to the entirely respectable, which was all in the hands of his fellow-craftsmen and of their intimates of the bar and bench. Thus he does not, for instance, so much as mention the name of Restif de la Bretonne. Yet there are occasional glimpses of the plain truth, and from time to time a good thing well said. The opening words of the concluding chapter, "De cette brillante période littéraire il faut avouer qu'il reste plutôt de grands souvenirs que de grandes œuvres," fit the case exactly; one only wonders that the man who could write them could have sent 288 octavo pages before them.

The student of history may find somewhat to attract his notice in what is said of Lelong and Fevret de Fontette, and more in the chapter given to Courtépée (pp. 193-215). The Président de Brosses and the Dijon Academy may interest the occasional curiosity of a general reader.

The "documents" are more than common sterile.

B. P. B.

Studies in Irish History and Biography, mainly of the Eighteenth Century. By C. Litton Falkiner. (London, New York and Bombay, Longmans, Green and Co., 1902, pp. vii, 362, 32.) "The Irish question," says Lord Roseberry, "has never passed into history because it has never passed out of politics," and, as a result, books on that much-vexed subject have too often partaken more of the nature of controversy than of history. In this respect, as in many others, Mr. Falkiner's book has an

advantage over most of its kind in its eminently fair tone and in its freedom from polemics. The series of essays of which it consists have nearly all appeared in the pages of English reviews and magazines, but it is fortunate that their author has seen fit to bring them together in a volume, which includes the main events and characters of the period from about 1780 to 1830. The two essays primarily historical, "The Grattan Parliament and Ulster" and "The French Invasion of Ireland in 1798," are both excellent, the one as a study of the ideas and motives of Protestant Ireland at a most difficult period, the other as a carefully worked out narrative of a relatively little known military adventure. Of the other essays, four are purely biographical, the long studies of Hervey, the eccentric Earl-bishop of Derry, and of Lord Clare, and the slight sketches of Sir Boyle Roche and Thomas Steele, while two, "Castlereagh and Ireland in 1798" and "Plunket and Catholic Emancipation," are at once studies of men and movements. Though Mr. Falkiner acknowledges continually his indebtedness to three authorities, Froude, Lecky, and the *Dictionary of National Biography*, the large and carefully worked out bibliography of each essay, no less than his evident intimate acquaintance with his subject, derived in great part from the use of sources, and his minute reference to his authorities on disputed points, give his book a scholarly character which is, unfortunately, not very usual in works of this class. Above all, this series of essays is eminently readable. The period of which he treats has no longer much more than a sentimental connection with modern English and Irish politics. It is a time full of great events and great men; to these the author has done full justice, and in so doing he has produced a most interesting and instructive book, giving us what is much needed in this field, more light and less heat.

Considerable light is shed on the make-up of the Revolutionary army and the life in the ranks of the Continental army by Charles K. Bolton's *The Private Soldier under Washington* (Scribner, 1902, pp. xiii, 258). The material has been collected with great care, and seems to be used with discretion and judgment. Every important statement is supported by references, and the text itself contains valuable excerpts from contemporary records, diaries, letters, and like material. Such a chapter as that on "Hospitals and Prisonships" gives just the sort of information that the general reader or the more special student seeks to acquire. Anyone who has sought to know the Revolution as it was has experienced the difficulty of getting the knowledge he desired without going straight to original material and without reading at least Washington's *Writings* and kindred sources. This little book enables the student to get something like a view of the War as a real episode in human affairs, not the basis for a patriotic epic. The author makes two references to the valuable "Letters of Ebenezer Huntington" printed in the *REVIEW*, Vol. V, p. 702; he might well have quoted: "Why don't you Reinforce your Army, feed them Clothe and pay them, why do you Suffer the Enemy to have a foot hold on the Continent? . . . I despise

my Countrymen, I wish I could say I was not born in America.'" (*Ibid.*, p. 725). It is not the author's intention to explain or criticize, but to describe; but a somewhat more critical examination would have been helpful.

Rolls and Lists of Connecticut Men in the Revolution, 1775-1783. [Collections of the Connecticut Historical Society, Vol. VIII.] (Hartford, 1901, pp. xiii, 375.) It has often been asserted that Connecticut furnished more men and supplies to the cause of independence in proportion to population and wealth than any other of the thirteen colonies. Whether this be true or not, this handsome volume is a document of singular importance.

In 1889 the state issued the *Record of Connecticut Men in the War of the Revolution*. It was confessedly somewhat hastily compiled, and was hardly published when many new regimental and company rolls came to light. Efforts were soon made by the Connecticut Historical Society to print these rolls, many of which are in its possession, but the work languished. By a special act of the state legislature sufficient encouragement was given the society to complete the volume which now appears under the capable editorship of the society's secretary and librarian, Albert C. Bates.

The work shows great care, and as constant reference is made to the former *Record* this mass of additional or corrective matter forms a needed supplement to that book. The editor states that "every roll and list here printed is either entirely new or contains sufficient in the way of new names, additional service, or names of the towns from which the men came to justify its printing." Rolls and lists in private hands and the various state offices are printed. Much use has been made of a manuscript volume in the state controller's office, called "Haskell's Receipts," of which the editor says: "The volume is of much interest. It consists of records of accounts preferred by the State of Connecticut against the United States for payments made by the State for wages and expenses of State troops, each of which is certified to by 'E. Haskell, Com' Eastern States.'" Of curious interest (not alone to the genealogist) are the "size rolls," giving in addition to the usual information the size of the men in feet and inches, age, color of hair and eyes, complexion, place and date of birth, etc. All indorsements and explanatory notes on the original lists are given, but they frequently serve to mystify the reader, while the editor's notes are all too few.

The index, which forms nearly one-quarter of the book, is to be commended for its legible type, simplicity of arrangement, fullness, and reduction of the orthographic vagaries of the text. The editor notes that sufficient material is in hand for another volume.

FRANK B. GAY.

The Eastern Question, a Study in Diplomacy. By Stephen Pierce Hayden Duggan. (New York, 1902, pp. 153.) In this monograph,

which was presented as a doctor's dissertation at Columbia, the author reviews the diplomatic side of the Turkish question since 1774. A preliminary chapter treats of certain general aspects of the matter, but the subject is really taken up at the treaty of Kainardji and carried through the treaty of Berlin. As a record of treaties and a summary of the more important diplomatic events in the history of the Turkish question the work is of decided value; but the author fails to explain sufficiently the motives of the diplomacy he chronicles, and his labor is thereby stripped of half its possible results, for he has read widely and might easily have continued the method of the clever résumé of conditions within the Ottoman Empire with which his monograph opens. There are a few typographical errors, chiefly in the names, and one notes several misleading but popular statements; such, for example, as (Islam), "which enjoined upon its adherents the duty of exterminating or enslaving the unbeliever" (p. 12). A casual reader would also suppose that the tribute of children by which the Janissaries were recruited was a Turkish innovation (p. 13); and the statement (p. 28) that France uniformly supported Sweden, Poland, and the Ottoman Empire during the period subsequent to the treaty with Austria of 1756 surely requires modification. The policy of Frederick the Great toward the Porte would have been better understood had the despatches published by the Russian Imperial Historical Society been consulted. In fact the period from 1768 to 1795 suffers because of the neglect of diplomatic correspondence which is now accessible in this country. The best chapter is that dealing with the Crimean War and the significance of the treaty of Paris, marking as it did a new starting-point in European diplomacy and superseding the agreements of 1815, is well brought out. The more recent events, in particular the attitude of Russia prior to the outbreak of her last war with the Ottoman Empire, and the policy of the Concert with respect to Crete and Armenia are not so well treated. Modern literature on the subject, such as Bamberg, *Geschichte der orientalischen Angelegenheit*, the articles in the *Revue des Deux Mondes* signed by Klaczko, and the works of Brückner, though not, technically speaking, original material, would have been of service. But in general the book is a useful one, and the spirit which prompts an American scholar to investigate Oriental affairs ought surely to be cultivated.

ALFRED L. P. DENNIS.

The fifth volume of the *Public Papers of George Clinton* (Albany, 1901), which is published as "appendix N, third annual report of the state historian," provokes comment similar to that which, unfortunately, has twice before been applied to this series in the REVIEW (see Vol. VI, p. 391, Vol. VII, p. 402), and impresses one with the immutable character of the editor's genius (see Vol. IV, p. 392). There appears nothing new which justifies commendation, while the futility of earlier criticism is emphasized by the permanence of the discreditable features of this undertaking. The present volume covers the period from

June 1, 1779, to July 10, 1780, and embraces, in their original order, the documents numbered in the manuscript volumes from 2346 to 3064. There is an editorial preface of twelve lines, and throughout the 954 pages the "notes," which are reinforced by the editor's official title, aggregate 75 lines. There is the usual attempt at illustration, with portraits of the heroic cast, as that of Sullivan, and with inappropriate prints, as those of Pulaski and Stark. The lack of an index in an official publication now becomes more striking in view of the fact that the uselessness of a volume thus incomplete has been pointed out in an opinion by one of the justices of the Supreme Court of the state. However, the mechanical process which this editor supervises certainly reduces somewhat the inaccessibility of a considerable mass of interesting and valuable material.

The event which introduced Napoleon to history is impartially studied in the Heidelberg thesis, *Napoleon Bonaparte and the Siege of Toulon* (Washington, 1902, pp. vii, 114), by Dr. Charles James Fox. The work is in two parts, the first of which discusses the siege itself, the second, the diplomatic correspondence of the Allies respecting Toulon, and the results of its fall. The whole is based upon archival research in Paris and London.

Dr. Fox in his narrative of the siege upholds the importance of Bonaparte's rôle at Toulon. In the main, French criticism here, as in other moot points concerning Napoleon, has reflected the contemporary political fortunes of his dynasty; and since the tendency to slight Bonaparte's work at Toulon has found much prejudiced support in the memoirs of Barras published in 1895, Dr. Fox, by sifting again the official records, has done historical science a timely service. Excessive credit, he finds, has by some been given to Bonaparte for the successful plan of siege. This would have occurred to any respectable tactician and was, in fact, proposed contemporaneously or first in Paris. But the execution was Bonaparte's, and in it are genuine touches of the great Corsican. A battery, for instance, so exposed that gunners hesitated to serve it, he overcrowded with volunteers by naming it "*La batterie des Hommes-sans-peur*." Still the author, in representing this siege as an almost indispensable school of experience for Napoleon, has yielded perhaps to the temptation of a writer to magnify his theme.

The second part is noticeably of less interest. It illustrates the friction between England and Spain over Toulon; and the author, without close argument, ventures the conclusion that they and the other Allies regarded Toulon as rather a pledge of indemnification than a base of offensive war. It may be noted that, since the Allies in Toulon almost from the beginning were on the defensive, the suggested alternative never became real.

From technical defects this work is not free. Quotations in the text a page or more in length occur repeatedly in the second part; and the discussion there of diplomatic relations which contributed much to the fall of Toulon seems a breach of unity. The diction, too, is weighted

throughout by a needless amount of French and marred at points by such expressions as "Constitution of 89" and "Jan. 94." On the whole, it may be not unfair to the author to say that the preparation of his case is commendable, his presentation of it less so.

H. M. BOWMAN.

Stephen Arnold Douglas. By William Garrott Brown. [Riverside Biographical Series.] (Boston, Houghton, Mifflin and Co., 1902, pp. 141.) This is the first book about Douglas published since 1866. When we consider the relative position occupied by Lincoln and Douglas during their lives, the discrepancy between the bulk of the literature relating to the former and the almost total absence of any relating to the latter is very extraordinary. Douglas has heretofore been omitted from every biographical series. Mr. Morse excluded him from the list of "American Statesmen" upon the ground that his life was a "great failure," although he would have been the best figure about whom to group the history of the decade preceding the Civil War. Mr. Brown's sketch is therefore notable as a recognition of the great part that Douglas really played. In its composition there are some marks of haste. He says, for example, that "Douglas's wife died early in 1853, and in the summer he made his journey to Europe. When he returned he was in a position the most favorable for original and constructive statesmanship" — two sentences whose proximity creates an impression that was surely not intended. There is some repetition of popular misconceptions, as in the statement that in the Dred Scott case "the Court decided that no negro could become a citizen of the United States"; whereas a majority of the judges did not unite in that opinion. Except for a few such slips the sketch is well done, the analysis of the Lincoln-Douglas debates being especially good. The criticism that suggests itself respects the scope rather than the form of the book. It is too mature for younger readers and too meager for older ones. This is the result of the requirements of a series which attempts to present the lives of men of widely varying character in books of uniform size. There is a theory that busy men demand brief biographies, but it seems probable that all who are interested in Douglas will desire a fuller biography than it was possible to bring within the limits set by the publishers of this series.

F. H. HODDER.

History of the Constitutions of Iowa. By Benjamin F. Shambaugh, Ph.D. (Des Moines, Iowa, Historical Department of Iowa, 1902, pp. vi, 352.) A fair idea of the intention of the author may be gained from the closing words of his chapter on definitions: "It is as a code or text of fundamental law that the word 'Constitution' is used in the title of these pages. This is not a philosophical discussion of the ultimate principles of government, nor an outline of our constitutional history, but simply a narrative touching the written texts or codes that have served the people of Iowa as fundamental law during the past sixty years." In

his approaches to the main subject the author devotes a considerable portion of his space to resolutions and by-laws adopted by unauthorized settlers on Iowa soil. These he calls "squatter constitutions." Chapters V to VIII, inclusive, are devoted to Iowa as a territory, and the two fundamental laws handed down by Congress for the government of the territory are analyzed and compared. One of these was for the government of Wisconsin at the time when Iowa was included within its limits, and the other was for the government of the territory west of the Mississippi and north of Missouri. Six chapters are devoted to the agitation for the adoption of a state constitution and the formation and rejection of the constitution of 1844. The remaining six chapters are devoted to the two constitutions of the state, the one of 1846 and the other of 1857, together with a brief account of boundary disputes and the admission of the state to the Union. The work is for the most part a brief compilation from the author's more detailed publications on the same subjects. The book is without foot-notes and citations to authorities, and also lacks bibliography and index.

The Roll-Call of Westminster Abbey (New York, The Macmillan Company, 1902, pp. xii, 418), by Mrs. A. Murray Smith, appeared at a most fitting moment when the approach of the coronation brought the historic foundation of Edward the Confessor into increased prominence. However, the author states that she has been occupied with her task for several years, and publishes it with the hope that it will meet the needs of those desiring something on the subject less bulky than Stanley's *Memorials* or her own *Annals*, and yet more comprehensive than the *Deanery Guide*. Mrs. Murray Smith's book gives concise but interesting accounts of the chief persons buried or commemorated in the Abbey, together with much incidental information concerning coronations, state funerals, and other events connected with its history. The phantasmagoric introductory chapter could well have been spared. There are many excellent illustrations, though, as was perhaps inevitable, some are a bit pallid and blurred. The plans showing the location of the tombs are helpful.

A. L. C.

A Maker of the New Orient (New York and Chicago, Fleming H. Revell Co., 1902, pp. 332), by Dr. William Elliot Griffis, is an animated and intensely appreciative biography of Samuel Robbins Brown. It is a record of a varied and busy life as a pioneer missionary in China and Japan, as translator of the New Testament into Japanese, and, in the United States, as a teacher of the deaf and dumb, and one of the initiators of the higher education of women; for Dr. Brown was instrumental in establishing the first chartered women's college in this country—Elmira. The author's vivacious style is somewhat marred by occasional repetitions of phrases, such as "sunny missionary" and Dr. Brown's statement, "If I had a hundred lives, I would give them all for Japan."

NOTES AND NEWS

The death of Mr. Howard M. Jenkins occurred October 11, from an accident at Buck Hill Falls, Pocono Mountains, in eastern Pennsylvania. Beginning in 1862 Mr. Jenkins was successively editor of the *Norristown Republican*, *Wilmington Daily Commercial*, *The American* and *The Manufacturer* of Philadelphia, and *The Friends' Intelligencer and Journal*. He was also the author of several historical works: *Historical Collections Relating to Gwynedd* (Mr. Jenkins was born in Gwynedd in 1842), *The Family of William Penn*, the first volume of *A Memorial History of Philadelphia*, *A Genealogical Sketch of the Descendants of Samuel Spencer*, and a number of magazine articles of an historical nature.

Sir John George Bourinot, K.C.M.G., clerk of the Canadian House of Commons and a well-known writer on Canadian history and law, died at Ottawa, October 13, 1902, in his sixty-fifth year. His most important books were *Canada* (Stories of the Nations); *How Canada is Governed*; *Parliamentary Procedure and Government in Canada*; *Cape Breton and its Memorials of the French Régime*; *Builders of Nova Scotia*; *A Manual of the Constitutional History of Canada*; *Canada under British Rule*. He was for some time president and afterwards honorable secretary of the Royal Society of Canada, and was identified with the political and intellectual life of the Dominion for the past forty years.

Canon George Rawlinson, sometime Camden professor of ancient history at Oxford and author of many books, died October 6, at almost ninety years. His historical writing was done largely in the time when scholars in his field were not expected to know the hieroglyphic and cuneiform literatures, but it appears that the *Five Great Monarchies of the Ancient Eastern World*, the volumes on Parthia and Sassanian Persia, and the translation of Herodotus, though all published in the sixties and seventies, may still be used with profit.

Historical students have several reasons to remember M. Gaston du Fresne, Marquis of Beaucourt, who died on August 12. His *Histoire de Charles VII*, in six volumes, to which he devoted some twenty years, now stands as a durable and in large part definitive work. He founded, in 1866, the *Revue des Questions Historiques* and was still conducting it at the time of his death. Also, among other things, he founded, in 1868, the Société Bibliographique and was the directing spirit of its various activities, notably the publication of the *Polybiblion* and of M. Chevalier's *Répertoire des Sources Historiques du Moyen Âge*. In the

[The department of Notes and News is under the management of Earle W. Dow.]

October number of the *Revue* he directed there is a brief account of his work and his practical aims, by M. E. G. Ledos.

M. René de Maulde, whose death occurred recently, was one of the most productive historical writers in France. Born in 1848, he published his first scientific work in 1868, at the age of twenty, soon followed it up with several considerable studies relating to Orléanais and Avignon in the Middle Ages, and then, with astonishing rapidity, brought out numerous books bearing upon the history of France in the sixteenth and seventeenth centuries. Among these last were three volumes of an *Histoire de Louis XII*, and three volumes on *La Diplomatie au Temps de Machiavel*.

Students of the Renaissance will be among those to regret keenly the death of M. Eugène Müntz. His *Vie de Raphaël*, by which he first became widely known, was followed up by many important books, especially *L'Histoire de l'Art pendant la Renaissance*, *Les Précurseurs de la Renaissance*, *Léonard da Vinci*, and *Pétrarque*.

From Germany and Austria comes report of the death of Professor Ernest Dümmler, of the University of Berlin, author especially of a *Geschichte des Ostfränkischen Reiches*, and at the head, since 1888, of the *Monumenta Germaniae Historica*; Dr. Konrad Maurer, professor at the University of Munich since 1849 and author of many works relating to Scandinavian countries, especially Iceland; Dr. Julius Ficker, of Innsbruck, professor, and eminent student of the history of law in Italy and Germany; and Dr. Ferdinand Kaltenbrunner, professor of the auxiliary sciences of history at Innsbruck and writer especially in the field of diplomatics.

Dr. Hannis Taylor has been appointed professor of constitutional history and common law of England, and of international private law, at the Columbian University in Washington.

Among other recent appointments are those of Dr. J. W. Garner and Mr. W. L. Fleming as lecturers in history at Columbia University; Dr. H. E. Bolton, formerly of the State Normal School, Milwaukee, as instructor in history at the University of Texas; Mr. F. A. Ogg, instructor in history at the University of Indiana; and Mr. H. E. Wells, professor of history and political science in the Nebraska Wesleyan University.

Part XXIX. of the *Historical Atlas of Modern Europe* contains "Europe at the Time of the Third Crusade," by the editor, Dr. Poole; "Germany, 1815-1897," by C. Grant Robertson; and "Scandinavia in the Thirteenth Century," by W. A. Craigie. Part XXX. has "Germany, 1648-1795," by Mr. Robertson; "India in 1792 and 1845," by Professor Oman; and "South Africa Previous to the Suppression of the Boer Republics," by C. G. Robinson. With these two parts this atlas is completed, and the thirty parts may now be bought either separately or bound together in one volume. The price, in the latter case, has been fixed at thirty-eight dollars and fifty cents.

There is a noteworthy article in *The Geographical Journal* for September by Professor W. M. Ramsay, on "The Geographical Conditions Determining History and Religion in Asia Minor."

A late number of the *Bibliothèque de Bibliographies Critiques* is devoted to Taine: "Bibliographie Critique de Taine," by Victor Giraud (Paris, Picard, 1902, pp. 83).

The house of F. Alcan, Paris, will publish *L'Idée d'Évolution dans la Nature et l'Histoire*, by G. Richard. A part of this work forms the leading article of the August number of the *Revue de Synthèse Historique*: "La Notion de l'Arrêt de Développement en Psychologie Sociale."

A Literary History of Persia, by Edward G. Brown, aims to be not so much an account of Persian literature in the narrower sense as a history of Persian thought and the part played by Persians in the sphere of religious, philosophical, and scientific speculation. The first volume comes down to 1000 A.D. (Scribner).

ANCIENT HISTORY.

In their "Historical Series for Bible Students," Messrs. Scribner have published lately *A History of the Babylonians and Assyrians*, by G. S. Goodspeed. Attention may be called also to another recent volume in a similar series, the "Bible Student's Library": *Samuel and his Age: a Study in the Constitutional History of Israel* (New York, E. and J. B. Young and Co.).

Dr. G. W. Botsford has written a text-book of ancient history, *An Ancient History for Beginners*, upon the lines recommended by the Committee of Seven (Macmillan).

M. P. Allard's *Julien l'Apostat* has been completed by the publication of volumes two and three, which deal especially with Julian's paganism, the Christians, and the Persian War (Paris, V. Lecoffre).

Noteworthy articles in periodicals: A. M. Stevens, *Prevalent Illusions on Roman History* (Contemporary Review, August); Eugène de Faye, *Introduction à l'Étude du Gnosticisme au II^e et au III^e Siècle* (Revue de l'Histoire des Religions, beginning with May).

MEDIEVAL HISTORY.

The Papal Monarchy: From Gregory the Great to Boniface VIII. (590-1303), by William Barry, is the latest addition to the "Stories of the Nations" (Putnam).

The *English Historical Review* for October contains an account, by Professor A. G. Little, of publications in recent years on St. Francis and the early history of the Franciscan movement: "The Sources of the History of St. Francis of Assisi." In this connection it may be noted that the Fischbacher house (Paris) has lately published as the fourth fascicle of "Opuscules de Critique Historique" the first part of *Les Règles et le Gouvernement de l'Ordo de Pœnitentia au XIII^e Siècle*, by Father P. Mandonnet.

The Dent-Macmillan series on towns of the Middle Ages has led up to a "Larger Mediæval Town Series." This will contain new works and also notable volumes of the smaller series, the printing will be on larger paper, and the illustrations promise to be more adequate than was formerly possible. The series is opened by Mr. Gardner's *Florence*. Attention may also be directed here to a new work on Siena: *Siena, her History and Art*, by R. L. Douglas (London, Murray).

The appearance of the third part of Dr. W. A. Copinger's *Supplement to Hain's Repertorium Bibliographicum* completes one of the most important bibliographical publications of recent years. The original work included descriptions or mentions of 16,311 works; Dr. Copinger has made approximately 7,000 corrections of or additions to the entries in Hain, and besides has given information on some 6,000 volumes printed in the fifteenth century to which Hain did not refer at all. The third part is devoted largely to an "Index to the Printers and Publishers of the Fifteenth Century, with Lists of their Works," compiled by K. Burger, of Leipzig (London, Sotheran).

A collection entitled "Philosophes du Moyen Âge. Textes et Études" has been inaugurated by M. de Wulf, of Louvain, for the purpose of setting forth some of the foundations of his recently published history of medieval philosophy. The first fascicle contains the text of *De Unitate Formae*, by Giles of Lessines, composed in 1278 (Paris, Picard).

The August number of the *Revue de Synthèse Historique* contains an account of the work done, mainly in the last thirty years, on the history of medieval philosophy: "La Philosophie Médiévale Latine jusqu'au XIV^e Siècle," by H. Delacroix.

Two text-books of medieval history have appeared recently; *The Middle Ages*, being Part I. of *An Introduction to the History of Western Europe*, by James Harvey Robinson (Ginn); and *A History of the Middle Ages*, by Dana C. Munro (Appleton).

Noteworthy articles in periodicals: P. de Puniet, *La Liturgie Baptismale en Gaule avant Charlemagne* (*Revue des Questions Historiques*, October); A. Werminghoff, *Die Fürstenspiegel der Karolingerzeit* (*Historische Vierteljahrschrift*, LXXXIX., 2); E. Blochet, *Les Relations Diplomatiques des Hohenstaufen avec les Sultans d'Égypte* (*Revue Historique*, September); H. Werner, *Ueber den Verfasser und den Geist der sog. Reformation des Kaisers Sigmund* (*Historische Vierteljahrschrift*, October).

MODERN HISTORY.

A volume of the shorter writings of the late Bishop Creighton has been edited by Mrs. Creighton: *Historical Essays and Reviews*. Its historical contents relate mainly to the period of the Renaissance (Macmillan).

The thirteenth volume of the *Recueil des Traités et Conventions Conclues par la Russie avec les Puissances Étrangères*, by Professor F. de

Martens, is devoted to the treaties with France from 1717 to 1807; the next volume will contain the treaties from 1808 to the present time. An introduction in volume thirteen traces the history of diplomatic relations between France and Russia to 1717, when the first treaty of alliance was concluded.

Mention may be made of some new books bearing upon the military side of the Revolutionary and Napoleonic periods: *Napoleon as a General*, 2 vols., by Count Yorck von Wartenburg (Scribner); *Campagne de 1809 en Allemagne et en Autriche*, Vol. III., by Lieutenant-Colonel Saski (Paris, Berger-Levrault); *L'Expédition d'Égypte (1798-1801)*, Vol. III., by C. de la Jonquière (Paris, Charles-Lavauzelle); and *Mémoires du Colonel Delagrave*, edited by E. Cachot, which aims to be a complete story of the campaign in Portugal, from April, 1810, to May, 1811 (Paris, Delagrave).

Letters of Dorothea, Princess Lieven, during her Residence in London, 1812-1834, edited by Lionel G. Robinson, consists of letters of Madame de Lieven to her brother during the twenty-two years' residence of her husband as Russian ambassador to England. They throw light upon the political affairs as well of the continent as of England.

Mr. Alleyne Ireland has brought together a few chapters on the history of Chinese intercourse with western nations, in a volume entitled *China and the Western Powers* (Boston, Laureus Maynard).

Recent biographical literature includes notably: *Life and Letters of H. Taine (1828-1852)*, translated by Mrs. R. L. Devonshire (Dutton); *Personal Reminiscences of Bismarck*, by Sidney Whitman (Appleton); and the *Memoirs of Paul Kruger, Told by Himself*, published in America by the Century Company.

Among the noteworthy recent books upon contemporary history are: *From the Fleet in the Fifties: a History of the Crimean War*, by Mrs. Tom Kelley, with which is incorporated letters written in 1854-1856 by the Rev. S. K. Strothert, chaplain to the Naval Brigade (London, Hurst and Blackett); *Despatches of Field Marshal the Duke of Wellington*, selected and arranged by W. Wood (London, Richards); and *Recollections of a Diplomatist*, 2 vols., by Sir H. Rumbold (London, Arnold).

Noteworthy articles in periodicals: K. Lamprecht, *Aus den Zeiten holländischer Grösse und ihres Verfalles* (Neue Jahrbücher für . . . Geschichte und deutsche Litteratur, August); B. B. Warfield, *The Printing of the Westminster Confession*, appendixes (Presbyterian and Reformed Review, October); G. Roloff, *Zur Napoleonischen Politik von 1803-1805* (Historische Vierteljahrschrift, October); Otto Harnack, *Die Ursachen der Niederlage Napoleons I. im Herbst 1813* (Historische Zeitschrift, LXXXIX., 3); A. Vaschalde, *The Monks of Rabban Hormisd* (Catholic University Bulletin, October).

GREAT BRITAIN.

A royal charter was issued on August 8, incorporating "the British Academy for the Promotion of Historical, Philosophical, and Philological

Studies." The first Fellows comprise forty-nine persons, among whom are Lord Roseberry, Mr. Lecky, Sir Frederick Pollock, Mr. Bryce, Mr. Maitland, Dr. A. W. Ward, Professor Pelham, and Professor William Ramsay.

Professor J. B. Bury of the University of Dublin has been nominated Regius Professor of History at Cambridge.

An important biography of King John, by Miss Kate Norgate, is among the recent publications of Messrs. Macmillan: *John Lackland*.

The thesis sustained at the University of Berlin by Dr. Edwin F. Gay, now instructor at Harvard, deals with the history of enclosures in England: *Zur Geschichte der Einhegungen in England*. It is part of a larger work which appears in Schmoller's "Staats- und socialwissenschaftlichen Forschungen."

The University Studies (Vol. I., 4) of the University of Illinois is devoted to "The Genesis of the Grand Remonstrance from Parliament to King Charles I.," by Professor H. L. Schoolcraft. The conclusion reached is "that the opinion so long held by historians that Mr. Pym was the sole author of the Grand Remonstrance, is a mistaken one. The document really consisted of two parts, written by separate committees. Mr. Fiennes and Sir Henry Vane prepared that part which related to the affairs of the Church; Messrs. Pym, Hampden, Strode, and Culpepper were jointly responsible for that which related to political affairs."

The Historical Manuscripts Commission has issued the first volume of a report upon *The Stuart Papers*, under the editorship of Mr. Blackburne Daniell. These papers, it is recognized, are important especially for their information upon the negotiations which took place between the political parties in England and the exiled Stuarts.

The *Bulletin* of the New York Public Library for September contains matter upon East Indian affairs from 1750 to 1767,—notably a long letter from Clive, dated September 30, 1765,—and some statistics upon revenues.

An interesting picture of English society at the opening of the reign of George III. may be found in *The Diary of a Journey to England in the Years 1761-1762*, written by Count Frederick Kielmansegg and translated by his great-grandson's wife, Countess Kielmansegg (Longmans).

The second volume of Mr. Andrew Lang's *History of Scotland* was published toward the close of the year. It covers the period from 1546 to 1625 (New York, Dodd, Mead and Co.).

The Council of the Scottish History Society has announced its intention of publishing *The Records of the Proceedings of the Justiciary Court*, from January 29, 1661, to the end of 1678, and *The Household Book of Cardinal Beaton*, from 1539 to 1545.

The Macmillan Company has published recently *Politics and Religion, 1550-1695*, 2 vols., a study in Scottish history from the Reformation to the Revolution, by William Law Mathieson.

Dr. Ernest Albee appears to have made an important contribution to the history of English ethical thought, by his *History of English Utilitarianism* (Macmillan).

The real subject of two new volumes by Mr. T. H. S. Escott is not necessarily seen by their title: *Gentlemen of the House of Commons*. They deal less with the present than with the past life of the Commons, and indeed are mainly concerned with times before the nineteenth century (London, Hurst and Blackett).

Noteworthy articles in periodicals: W. H. Stevenson, *Dr. Guest and the English Conquest of South Britain* (English Historical Review, October); Mary Bateson, *A London Municipal Collection of the Reign of John II.* (English Historical Review, October); D. A. Winstanley, *George III. and his First Cabinet* (English Historical Review, October); J. L. Haney, *German Literature in England before 1790* (Americana Germanica, IV. 2); *England and Russia during the Nineteenth Century* (Edinburgh Review, October); Sidney and Beatrice Webb, *What Happened to the English Parish* (Political Science Quarterly, June and September).

FRANCE.

The third volume of M. J. Flach's work on the origins of old France is announced for early publication, under the sub-title of *La Renaissance de l'État. La Royauté, le Principat et l'Église* (Paris, Larose). The introduction to this volume appears in advance in the November number of the *Revue Historique*.

M. P. Boissonnade continues, in the August number of the *Revue de Synthèse Historique*, his account of the status of studies relating to the economic history of France in the Middle Ages. This second article deals with the history of industry and the industrial classes; "Histoire de l'Industrie."

The eighth volume of M. Glasson's *Histoire du Droit et des Institutions de la France* appeared recently. The preceding volumes having come down through feudalism, this one begins upon the period of the monarchy (Paris, Pichon).

Volume IV. of the *Layettes du Trésor des Chartes, 1261-1270* was published recently. M. Élie Berger supplies an introduction on "Les Dernières Années de Saint Louis" (Paris, Plon-Nourrit).

Mr. Charles Edward Cheney read before the Chicago Literary Club, in March last, a monograph upon Giannino of Siena, who claimed to be John I. of France. His narration has since been printed privately as one of the "Club Papers," and forms, it is believed, the first account in English of the mysterious career of this personage: *A King of France unnamed in History* (pp. 86). Several documents are given in appendices, and there is an excellent facsimile of "Rienzi's Charte," giving the testimony of Cola di Rienzo as to the pretensions of Giannino.

The English literature upon Jeanne d'Arc has been increased notably

of late by *Jeanne d'Arc*, edited from the Procès by T. Douglas Murray (London, Heinemann).

The Lavis history of France has just entered upon the second part of Volume IV., in which M. Ch. Petit-Dutaillis writes upon *Charles VII, Louis XI, et les Premières Années de Charles VIII* (Paris, Hachette).

M. Henri Hauser contributes to the November number of the *Revue Historique* an interesting study upon the origins of Mercantilism and Colbertism. Far from attributing the ideas which these terms represent simply to Colbert, he goes back to the period of depression following the religious wars, and more particularly to facts connected with the silk industry of that time at Lyons and Tours: *La Liberté du Commerce et la Liberté du Travail sous Henri IV. Lyon et Tours (1596-1601)*.

The *Revue d'Histoire Moderne et Contemporaine* has begun a series of critical bibliographies relating to different periods of the economic history of France. In the October and November numbers M. Ph. Sagnac deals with the period from the death of Colbert to the Peace of Amiens and of Rastadt: "L'Histoire Économique de la France de 1683 à 1714."

The publishers of the "Archives Religieuses de l'Histoire de France" have begun a similar collection for the seventeenth and eighteenth centuries: "Documents pour Servir à l'Histoire Religieuse des XVII^e et XVIII^e Siècles." In harmony with the intention that this collection shall include principally documents relating to the history of Jansenism, the first volume, which appeared recently under the title of *Rome et la France, la Seconde Phase du Jansénisme*, contains the second part of Thuillier's *Histoire de la Constitution Unigenitus*.

M. Albert Vandal has published, through MM. Plon-Nourrit (Paris), the beginning of an important work upon Napoleon: *L'Avènement de Bonaparte*. In this first part he deals with the genesis of the Consulate, Brumaire, and the Constitution of the year VIII.

Among the most important biographical literature of the past year is a work by Mr. Bernard Mallet: *Mallet du Pan and the French Revolution* (Longmans).

Mention should be made here of a work upon archæology which no doubt will mainly replace the *Dictionnaires* of Viollet-le-Duc: *Manuel d'Archéologie Française*, by C. Enlart. The first volume is devoted entirely to religious architecture (Paris, Picard).

Noteworthy articles in periodicals: A. Degert, *Le Pouvoir Royal en Gascogne sous les Derniers Carolingiens et les Premiers Capétiens* (*Revue des Questions Historiques*, October); A. Cans, *Lettres de M. de Boisgelin, Archevêque d'Aix, à la Comtesse de Gramont, 1776-1789* (*Revue Historique*, July, September, November); E. Kahn, "L'Affaire du Collier" et "La Mort de la Reine," *Critique d'Ouvrages Récents* (*Revue d'Histoire Moderne et Contemporaine*, October); P. Bliard, *Un Club en Province au Début de la Révolution (1791-1793)* (*Revue des Questions Historiques*, October).

ITALY.

The purpose of *Naples in 1799*, by Signora Giglioli, is to give a history of the Revolution of 1799 and of the rise and fall of the Parthenopean Republic, including the parts played by Lord Nelson and Lady Hamilton (London, Murray).

F. X. Kraus's *Cavour. Erhebung Italiens* (Mainz, 1902) has already been put into Italian, by D. Valbusa: *Cavour. Il Risorgimento d'Italia nel Secolo Decimonono* (Mainz, 1902, pp. 101). This early translation must be recognized as a work of propaganda for liberal Catholicism in Italy, as well as a tribute to the actual merit of the publication. The volume is not a biography in the strict sense of the word, but a study upon the Italian "Risorgimento," taking the life of Cavour as the center about which to group its statements of fact and its appreciations. In general it is favorable to the work of Cavour and to the national movement, and it boldly condemns the temporal power, depicting its history in unmistakably somber colors. This performance by a Catholic of Kraus's importance has aroused wide interest and comment. A brief bibliography is appended in both the original and the translation.

GERMANY, BELGIUM.

Dr. A. Cartellieri, formerly at Heidelberg, has become professor at Jena; Dr. E. Meyer has gone from Halle to Berlin, and Dr. Julius Kaerst has been named professor extraordinary at Leipzig.

M. Paul Matter has dealt at some length with the Revolution of 1848 in two articles in the latest numbers (September and November) of the *Revue Historique*: "La Prusse au Temps de Bismarck. La Révolution de 1848."

In *The German Revolution of 1849*, Mr. Charles W. Dahlinger aims to give "an account of the final struggle in Baden for the maintenance of Germany's first national representative government" (Putnam).

The *Revue Historique* for September and November contains the first and second installments of an account of historical publications in Belgium during the years 1899-1901, by M. Eugène Hubert.

Noteworthy articles in periodicals: Wilhelm Naudé, *Die merkantilistische Wirtschaftspolitik Friedrich Wilhelms I. und der künstriner Kammerdirektor Hille* (*Historische Zeitschrift*, XC., 1); P. Wittichen, *Das preussische Kabinett und Friedrich v. Gentz. Eine Denkschrift aus dem Jahre 1800* (*Historische Zeitschrift*, LXXXIX., 2); F. Thimme, *Wilhelm I., Bismarck und der Ursprung des Annexionsgedankens 1866* (*Historische Zeitschrift*, LXXXIX., 3); F. Meinecke, *Zur Geschichte Bismarcks. II. Bismarcks Eintritt in den christlich-germanischen Kreis* (*Historische Zeitschrift*, XC., 1); J. W. Garner, *The Judiciary of the German Empire*. I. (*Political Science Quarterly*, September).

AMERICA.

Mr. R. R. Bowker has completed the second part of his *Provisional List of the Official Publications of the Several States of the United States*

from their Organisation. This part covers the middle Atlantic and central states—New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin (New York, The Publishers' Weekly).

A new edition of Alexander Johnston's *History of American Politics*, revised by William M. Sloane and continued by Winthrop More Daniels, has been issued by Messrs. Holt and Company, in their "Handbooks for Students and General Readers."

A new and revised edition of White's *Money and Banking* (Ginn and Co.) has appeared. The intention of the author has been to adapt the book more particularly for use in the class room. With this thought in mind, he has added to each chapter a brief recapitulation and a list of authorities. The historical portions have decided value for the student of American history.

Financial History of the United States, by Davis R. Dewey, forms a new number of the "American Citizen Series" (Longmans).

The Arthur H. Clark Company of Cleveland has begun a series entitled "The Historic Highways of America," by Archer Butler Hulbert. The aim is to set forth the history of America with respect to the evolution of its highways of war, commerce, and social expansion. There are to be sixteen volumes, the last devoted to an index. Two are published so far, *Paths of the Mound-Building Indians and Great Game Animals* and *Indian Thoroughfares*; the others are to appear, it is hoped, at the rate of a volume every two months.

The latest number of *Americana Germanica* (IV., 2) contains matter of much interest to students of American history. In a first article on "Three Swabian Journalists and the American Revolution," by J. A. Waltz, of Harvard University, numerous extracts are given from a paper edited by Friedrich Schiller, published at Stuttgart. Also there is a considerable treatment of the oldest relations between American and German universities, especially Göttingen, in an article on the Union of old German Students in America: "Die Vereinigung alter deutscher Studenten in Amerika," by L. Viereck. Finally there is an account of the foundation, constitution, and objects of the German American Historical Society, and a prospectus of the American Ethnographical Survey, with special reference to the Pennsylvania section. The German American Society will aim to be a general body to which all local organizations of similar purpose may attach themselves, and will "make systematic efforts to collect in all parts of the land the evidences of German activity in building the American republic, and thus encourage local research as well as scientific treatment of the material collected." The Ethnographical Survey is designed to give substantial aid toward an "accurate history of the origins and growth of our national civilization and of the contributions made by the different race elements to our life and institutions."

A recent important volume on our shipping industry is of historical as well as practical interest: *American Navigation: The Political His-*

tory of its Rise and Ruin and the Proper Means for its Encouragement, by W. W. Bates (Houghton, Mifflin and Co.). It may be added that Messrs. Scribner have lately published a book in the same general field: *The American Merchant Marine; its History and Romance from 1620 to 1902*, by W. L. Marvin.

The Harvard library, after some four years' interval, has resumed its series of "Bibliographical Contributions." Number 54 is devoted to *A Bibliography of Justin Winsor*, a chronological record extending from 1849 to 1897, by William F. Yust.

The American Antiquarian Society at its October meeting appropriated money for the completion of a guide to the materials for American history in the Public Record Office, British Museum, and other repositories of manuscripts in London, to be executed under the general direction of Professor J. Franklin Jameson of Chicago.

Professor H. V. Ames has lately brought out a revised edition of his *Outline of Lectures on American Political and Institutional History during the Colonial and Revolutionary Periods*. He has also published the fourth number of his *State Documents on Federal Relations. The States and the United States*. It gives carefully edited material on "The Tariff and Nullification, 1820-1833" (Department of History, University of Pennsylvania).

Sara M. Riggs, professor of history in the Iowa State Normal School, has prepared an outline which is published under the title, *Studies in United States History* (Ginn). The outline seems to be carefully prepared, and the references are helpful. The introductory bibliography could be much improved.

The first three numbers of "Source Readers in American History," edited by Professor Albert Bushnell Hart, have been published. They contain entertaining selections, many of which will be read with interest by older students of history.

Two new volumes have appeared in the series of "Handbooks of American Government": *The Government of Maine*, by Professor William MacDonald, and *The Government of New York*, by Professor William C. Morey (Macmillan).

The *Bibliographer* begins in its October issue a facsimile reproduction of Brereton's "Discovery of the North Part of Virginia." The opening article of this number is by Mr. John Boyd Thatcher on "A Bibliographical Romance (The Columbus Letter)."

A life of Captain John Smith, compiled chiefly from his own writings and those of his contemporaries, has been published by Longmans, Green and Co.: *The Adventures of Captain John Smith, Captain of Two Hundred and Fifty Horse and sometime President of Virginia*, by E. P. Roberts.

A paper read before the Royal Historical Society last January by Mr. R. G. Marsden, and since printed in its *Transactions*, deals with "The High Court of Admiralty in Relation to National History, Commerce,

and the Colonization of America.—A. D. 1550-1650." Of special interest in connection with the last branch of the subject is a suit of the year 1624, brought by two seamen against the Plymouth Company. One of the documents used was a long letter from Bradford, which may be found among the documents published in this number of the REVIEW. Among other points in the suit it appears that the ships sent out by the company carried commissions to capture ships.

The August number of the *Revue de Synthèse Historique* contains an article on "L'Origine de la Tolérance aux États-Unis." In it M. Henry Bary traces toleration in America to our colonial religion, and particularly to two features of it which he calls its social and its positive instinct. This article also forms part of a book by M. Bary, just published: *La Religion dans la Société aux États-Unis* (Paris, Colin).

The True History of the American Revolution, by S. G. Fisher, deals with the conduct of the war, its chief figures, and the reasons for its outcome (Philadelphia, Lippincott). Its story of the Revolution purports to differ considerably from the accounts we have had so far.

A recent book by Vicomte de Noailles will be of interest for American as well as French history: *Marins et Soldats Français en Amérique pendant la Guerre de l'Indépendance des États-Unis (1778-1783)* (Paris, Perrin).

Letters of Hugh Earl Percy is a little volume of eighty-eight pages, containing some interesting material for the study of Revolutionary history (Boston, C. E. Goodspeed). A good many of the letters have not been printed before; some of them were found in the library of the present Duke of Northumberland. Percy, it will be remembered, had charge of the brigade which was sent out "to cover the retreat of Grenadeers and Light Infy, on their return from the Expedition to Concord."

Numbers 9 and 10 of the current series of *Johns Hopkins University Studies in History and Political Science* are devoted to a study of Philip Freneau: "The Political Activities of Philip Freneau," by Samuel E. Forman.

In the October number of the *Bulletin* of the Boston Public Library are two series of letters of the Revolutionary period; seven from Colonel William Turner Miller to his wife, from the camp before Boston, 1775, and five from William Bant to John Hancock, 1776 and 1777. The documents of the November number, relating also to the Revolution, comprise confessions of James Roby upon the "raising" of bills of credit, 1776; two letters, one from Henry Knox, one from Nathaniel Appleton; and a committee report on bounties to soldiers and the depreciation of the Continental currency, 1780.

We note the appearance in Paris of a small volume on Franklin: *Benjamin Franklin et la Médecine à la Fin du XVIII^e Siècle*, by Dr. Ch. Tourtourat (Rudeval).

Mr. Joseph Schafer, of the University of Oregon, has written upon

"The Origin of the System of Land Grants for Education." He begins with the idea of the land grant policy as brought in germ from England to the colonies, and aims to show "how the idea of permanent school endowments, as understood by the English colonists, was affected by the two forces, public care of education and free land; how a definite land grant policy grew up in several of the colonies under the stimulus of these forces; and finally, how the local policy became the policy of the entire nation." His monograph opens the first volume of a separate history series in the *Bulletin of the University of Wisconsin* (1902, pp. 53).

George Rogers Clark, by Professor Frederick J. Turner, is announced for early publication in the "Riverside Biographical Series" (Houghton, Mifflin and Co.).

Mr. Arthur St. Clair Colyar, of Nashville, has about ready for the press a new *Life of Andrew Jackson*. A paper which forms a sort of introduction to this work forms the leading article in the *Gulf States Historical Magazine* for November: "The Necessity for a New Life of Andrew Jackson."

Recent Webster literature includes notably, besides Dr. Van Tyne's edition of the *Letters* (McClure), a volume by Professor J. B. McMaster, entitled *Daniel Webster* (Century Co.) and three volumes of *Speeches and other Writings of Daniel Webster, hitherto Uncollected* (Boston, Little, Brown and Co.).

The University of Chicago Press is to bring out shortly *The Second Bank of the United States*, by R. H. C. Catterall.

A history of the passage of the Homestead Law, from the beginning of its agitation in 1846 till it was signed by the President in 1862, has been running in the *Deutsch-Amerikanische Geschichtsblätter* since April: "Die Heimstätten-Gesetz-Bewegung," by Professor Benjamin Terry. Among other important matter in recent numbers of this quarterly we note especially "Erlebnisse und Beobachtungen eines deutschen Ingenieurs in den Vereinigten Staaten, 1867-1885," by Eduard Kemberle, (concluded in October); "Geschichte der deutschen Quincy's," by H. Bornmann (continued in April, July, October); and "Die ältesten deutschen Ansiedler von Illinois," by E. Mannhardt (continued in April and October).

The Decennial Publications of the University of Chicago, second series, will contain a monograph entitled *A History of the Greenbacks with special Reference to the Economic Consequences of their Issue, 1862-1865*, by Wesley C. Mitchell. A chapter from this monograph appeared in the September issue of the *Journal of Political Economy*: "The Circulating Medium during the Civil War."

Messrs. Putnam have published an important work upon Rhode Island: *Rhode Island, its Making and its Meaning*, 2 vols., being a survey of the annals of the commonwealth from its settlement to the death of Roger Williams, 1636-1683, by Irving Berdine Richman. Dealing as it does with persons and events which were intimately connected with the

development of two leading principles of modern civilization — freedom of conscience in religion, and the rights of man in politics — Mr. Richman's book will be seen to have a place in the field of general history. There is an introduction by Mr. James Bryce.

In *New Amsterdam and its People: Studies Social and Topographical of the Town under Dutch and early English Rule*, Mr. J. H. Innes aims to give a picture of the actual conditions which prevailed in New Amsterdam a decade or so before the surrender to the English (Scribner).

The fifth volume of the *Publications* of the Buffalo Historical Society contains much new material bearing upon the War of 1812 and upon American internal development. We note especially the correspondence and orders of Major-General Amos Hall, relating to the militia service of 1813-1814; the reminiscences of Judge Samuel Wilkeson, covering the period 1784-1822 and dealing chiefly with pioneer life in western Pennsylvania and Ohio; a group of papers concerning early traffic on the Great Lakes; and papers relating to Niagara Falls. There is also an annotated bibliography of the Upper Canada Rebellion. The volume is edited by the secretary of the society, Mr. Frank H. Severance, and is published at Buffalo by the society.

The *Pennsylvania Magazine of History and Biography* for October contains notably, besides continuations, "The Capture of Stony Point," by Samuel W. Pennypacker, and "Interesting Letters of George Moran and Aaron Burr," by G. D. W. Vroom.

The September number of the *Records* of the American Catholic Historical Society of Philadelphia contains mainly, aside from continuations, "Sketch of the Life of Professor William Augustine Newland, Last of the Old-time Philadelphia Catholic Organists, 1813-1891," by F. X. Reuss.

The *South Atlantic Quarterly* for October—an excellent number—contains several articles of interest to students of American history: "The Reign of Passion;" "The Principle of Neutralization Applied to Canals," by J. H. Latané; "The Principle of Instructing United States Senators," by W. E. Dodd; "The South and Service Pension Laws," by W. H. Glasson; "William Lowndes," contemporary and friend of Calhoun, by Fannie White Carr; and "How a Young Man Built up History in Mississippi," referring to Dr. Franklin L. Riley, of the University of Mississippi.

The *Publications of the Southern History Association* contains, in the September and November numbers, material entitled "General Sumter and his Neighbors," by Kate Furman; and begins, in the November number, "A Southern Sulky Ride in 1837."

The latest issue in the *Publications* of the American Economic Association should be of considerable interest for the economic and social history of the South: "The Negro in Africa and America," by Joseph A. Tillinghast. The writer brings together two lines of investigation hith-

erto kept asunder, and thus traces many characteristics of the American negro to his African inheritance.

The *Sewanee Review* closes, with the October number, its tenth year; and the editor, Professor John Bell Henneman, takes the opportunity for a retrospect: "Ten Years of the *Sewanee Review*." This periodical, it will be remembered, was founded by Professor William P. Trent. It has always been devoted primarily to literature, but at the same time has given considerable attention to history. What it has accomplished since 1892 is recalled not only by the editor's retrospect but also by the "General Index. Volumes I.-X.," which appears in the same number. Historical students will be interested especially in the heading "History and Biography."

Six lectures delivered before the Johns Hopkins University last February and March, by Mr. Clayton C. Hall, are to be published by the John Murray Company, of Baltimore, under the title, *The Lords Baltimore and the Maryland Palatinate*.

"The Maryland Constitution of 1851," by James W. Harry, occupies numbers 7 and 8 in the current series of *Johns Hopkins University Studies in History and Political Science*. It aims to cover the constitutional history of Maryland from 1836 to 1851.

The concluding article of Professor John W. Wayland's "The Germans of the Valley" appears in the October number of the *Virginia Magazine of History and Biography*. It may be added that Professor Wayland has decided to undertake a history of the German element in Virginia. This number of the *Magazine* contains also, besides continuations, "The Ferrar Papers," being copies of documents at Magdalene College, Cambridge; "Some Colonial Letters"; "Pioneer Days in Allegheny County," by W. A. McAllister; "Will of Wilson Cary, 1772"; and "List of Tithables in Northampton County, Virginia, August, 1666."

The *American Historical Magazine* for July opens with an article on "Georgia and the Cherokees," by B. J. Ramage, and follows it up with the first installment of "Documents Relating to the Creek War." In this number we note also "Alta Vela," being an account of why Judge Black withdrew from the impeachment trial of President Johnson, by J. S. Jones; "An Interesting Letter from Washington Irving," relating the difficulties attending the negotiations which resulted in re-establishing trade relations in 1830 between American ports and various British colonial possessions; "Origin of the Democratic National Convention," correspondence disclosing the fact that the convention was first proposed by William B. Lewis, of Tennessee. The October number of the same review has biographical sketches of two of Tennessee's governors: "Governor William Trousdale," by B. F. Allen; "Governor William Carroll," by Emma Carroll Tucker; "The Earliest Records of Davidson County"—that is, of the first county erected in Tennessee west of the Cumberland Mountains; the first installment of "Campbell Papers;" a

first article on "Madison County," by J. G. Cisco; and "Roberts Papers," relating to the military service of General Isaac Roberts, a pioneer of middle Tennessee. The July number continues "Records of the Cumberland Association," and both the July and October numbers have farther installments of "Sketches and Anecdotes of the Family of Brown," and Rev. J. B. Morris's translation of "Select Documents."

A society for the study of the history of the Tennessee valley, to be known as the Tennessee Valley Historical Society, was organized at a meeting in Huntsville, Alabama, September 3. The secretary, Mr. Oliver D. Street, of Gunterville, Alabama, intends to publish in book form the proceedings and papers of this meeting.

Recent publications of interest for Southern history include a *History of Guilford County, North Carolina*, by Sallie W. Stockard (published by the author, Greensboro, North Carolina).

The South Carolina Historical Society published, in the third volume of its *Collections* (1859), the journal of the Second Council of Safety of the Revolutionary party in South Carolina to February 26, 1776. It begins now, in the October number of the *South Carolina Historical and Genealogical Magazine*, a series of "Papers of the Second Council of Safety," relating to November 1775-March 1776. In the same number of the *Magazine* are: "Officers of the South Carolina Regiment in the Cherokee War, 1760-61"; a continuation from the July number of "Letters from John Henry Laurens to his son John, 1773-1776"; and "Capt. John Colcock and Some of his Descendants," by A. S. Salley, Jr.

The *Gulf States Historical Magazine* publishes in its September number seven letters from Calhoun, of the years 1818-1821, and all addressed to Charles Tait, senator from Georgia from 1809 to 1819. The same number of this review contains "The Confederate Submarine Torpedo Boat Hunley," by W. A. Alexander; "The Fisher Family," by the editor, Thomas M. Owen; and "The Churches of Alabama during the Civil War and Reconstruction," by Walter L. Fleming (a reprint of his article which Mr. Fleming sent to the REVIEW contains numerous corrections). The October number contains, with other matter, "The Continuity of Constitutional Government in Mexico under President Juarez," by Clarence Ousley; "Louisiana History in Government Documents," by William Beer; "How the News of the Assassination of President Lincoln was Received by the Confederate Prisoners on Johnson's Island," by J. W. Inzer; and "The Ross Family," by Mr. Owen.

The study of state boundaries makes progress now and then; we note at this time an article on a boundary of national as well as state interest: "The Southwest Boundary of Texas," by I. J. Cox, in the October number of the *Quarterly of the Texas State Historical Association*. The question is treated especially from a Spanish and Mexican point of view. This number of the *Quarterly* has also: "Some Materials for South-western History in the Archivo General de Mexico," by H. E. Bolton; "Reminiscences of C. C. Cox"; "An Account of the Battle of San

Jacinto," by J. W. Winters; and "The African Slave Trade in Texas," by E. C. Barker.

In *The Early History of the Maumee Valley* Mr. John E. Gunckel (Toledo, pp. 101) seeks to give a graphic account of the more striking events in the history of that region. Its leading object, perhaps, is to stimulate local pride and interest. The pictures of the old landmarks and of the sites of the old forts are likely to be of some service in the preparation of a more complete history.

The *Publications of the Michigan Political Science Association* for September brings an additional number in the series of studies in Michigan history: "The Territorial Tax Legislation of Michigan," by Dr. Margaret A. Schaffner.

We note among recent publications in France *Au Mississipi. La Première Exploration (1673). Le Père Jacques Marquette (de Laon), et Louis Jolliet, d'après M. Ernest Gagnon*, by Alfred Hamy (Paris, Champion).

The October number of the *Annals of Iowa* is devoted mainly to an article on the "Iowa Northern Brigade," by Captain W. H. Ingham.

In the *Quarterly of the Oregon Historical Society* for September we note particularly "Sheep Husbandry in Oregon," by John Minto; "History of the Willemette Woolen Factory," by L. E. Pratt; and "Reminiscences" relating to different pioneer families, written by H. S. Lyman.

The September number of the *Annals of the American Academy of Political and Social Science* has an article on "Political Parties in the Philippines," by William H. Taft, and one on "The Establishment of Civil Government in the Philippines," by L. S. Rowe. The November number is devoted mainly to a series of papers on finance.

The Arthur H. Clark Company, of Cleveland, has begun an important enterprise, the publication of some fifty-five volumes containing the narratives of explorers and missionaries in the Philippine Islands from 1493 to 1803. The editorial work is in the hands of Miss Emma Helen Blair, who aided Mr. Thwaites in the edition of *The Jesuit Relations*, and Mr. James Alexander Robertson. An historical introduction and notes are to be prepared by Professor Edward G. Bourne. The edition is to be limited to 1,000 numbered sets. The first volume is announced for January 15, 1903.

Noteworthy articles in periodicals: H. L. Osgood, *England and the American Colonies* (Political Science Quarterly, June); F. Rousseau, *La Participation de l'Espagne à la Guerre d'Amérique* (Revue des Questions Historiques, October); G. S. Callender, *The Early Transportation and Banking Enterprises of the States in Relation to the Growth of Corporations* (Quarterly Journal of Economics, November); James Russell Lowell Quarterly Review, July); B. H. Meyer, *The Past and the Future of the Interstate Commerce Commission* (Political Science Quarterly, September); C. O. Paullin, *The Naval Administration of the Southern States* (Sewanee Review).

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The
American Historical Review

THE MEETING OF THE AMERICAN HISTORICAL
ASSOCIATION AT PHILADELPHIA

THE eighteenth annual meeting of the American Historical Association was held at Philadelphia, December 26, 27, 29, and 30, 1902. It was in all respects successful and satisfactory. Many members were in attendance, the programme was excellent, and there was everywhere indication of the great activity and vitality of the Association, and of the work it is doing for the promotion of historical scholarship in America. The meeting deserves no less strong an adjective than inspiring. It showed how thoroughly the historical work of the country is organized, and how much the task of the individual investigator and teacher is lightened and his efficiency improved by the generous criticism and thoughtful suggestion of others. In the best sense of the word, American scholars are to-day writing history by the coöperative method; one does not seek to supplant the other, but to supplement his labors and to give him encouragement and help. The acquaintanceship and good fellowship which are produced by the meetings of the Association are in consequence much more than merely pleasant and agreeable; they are a distinct aid to the upbuilding of sound historical scholarship. Moreover, one could not listen to the papers that were read without being impressed also with the great amount of thoroughly scientific work that is now being carried forward. The materials of foreign as well as of American archives and libraries are profitably and sanely used to an extent until recently quite unknown. The various commissions and boards of the Association showed by their reports that they are earnestly and industriously doing their part for the classification and collection of material, for the publication of papers, and in the fulfilment of other plans which

will be of inestimable service to the future student of American history. The members of these committees freely give their time and attention to these duties, from which they receive no personal benefit.

The arrangements for the meeting were carefully planned and admirably carried out. Although sessions were held in five different places, so judiciously were the details managed that there was not the least confusion or discomfort. When so many persons were unsparing in their efforts, it seems almost invidious to express appreciation of the labors of any one in particular, but possibly it will not be amiss to mention especially the work of Professor J. B. McMaster, the chairman of the programme committee, and the tireless attentions of Professor Herman V. Ames, the secretary of the committee of arrangements. The friends of the Association in Philadelphia were very generous in their hospitality. Every afternoon and evening except Sunday some form of friendly entertainment was provided. On Friday evening after the joint session a reception was held at the Drexel Institute in honor of the presidents of the Historical and Economic Associations. Luncheons were served by the University of Pennsylvania after the morning sessions on Saturday and Monday. At the Museum of Science and Art, a tea was given Saturday afternoon by the university faculties. An informal smoker was held at the University Club Saturday evening. On Monday evening the Historical Society of Pennsylvania gave a reception and supper, and Tuesday Mr. Henry C. Lea, the president-elect, was the host of the Association at a luncheon in the hall of the American Philosophical Society. The privileges of the University Club were granted to the men members of the Association, while the ladies were shown like courtesy by the New Century Club. The pleasure of the meeting was much increased by the opportunity of visiting the rooms of the Historical Society and of the Philosophical Society, and by the interest taken in the Association by citizens of Philadelphia, whose historical work has long been known to American students.

The programme, carefully arranged so as to give to each session a particular center of interest, was quite as good as usual; and perhaps no stronger word of commendation is necessary. All of the papers provided for were, with one exception, read, and the readers as a rule regarded the limits of the length set by the committee on programme — a matter of no slight importance. Following the practice of the last two years, two sessions were held jointly with the Economic Association, at one of which the annual addresses of the presidents were read. The Church History Section

did not present a separate programme ; there has been a growing feeling that there is no especial reason for separation, and that the cause of church history, as well as of secular history, is not materially advanced by segregation. If topics in church history are treated thoroughly and scientifically, there is no ground for their exclusion from the general programme. It might be well to say, however, that the existence of a separate Church History Section did not come about by a cleavage of the Association, but was due to the affiliation, some seven years ago, of a separate society with the Association.

One session of this meeting was given up to the consideration of topics in diplomacy and diplomatic history, and those especially interested have taken into consideration the formation of a distinct section in which matters of diplomatic history and current problems of international law may be discussed. There may be difference of opinion as to whether there is good ground for taking such a step, but it may be argued that it is distinctly worth while for members who are paying attention to such subjects to gather together and to give some thought to the preparation of papers ; and, however this may be, there is such obvious community of interest that to organize in connection with the Historical Association certainly seems better than to establish a separate society.

The first evening, Friday, a joint session was held with the American Economic Association at Drexel Institute. Mr. Joseph Wharton presided and welcomed the Associations. Captain A. T. Mahan, president of the Historical Association, discussed the subject of Subordination in Historical Treatment. He passed rapidly over certain fundamental but well-recognized attainments of every successful historical writer, such as thoroughness and accuracy of knowledge, intimate acquaintance with innumerable facts, and mastery of the sources of evidence ; he referred only in a few words to the need of sound judgment and critical faculty in the discovery of isolated truth and in the estimation of particular facts. He dwelt at length on the necessity of organization of material, on the need of interpretation that brings out the essence of a subject. Knowledge acquired by faithful, rigid, acute examination of witnesses, and by the sifting of evidence is the material with which the historian has to deal, out of which he has to build up an artistic creation which is much more than a bundle of ascertained facts, however undeniable each individual assertion may be. To present numerous related truths so as to convey an impression which will be *the* truth is the difficult task of the writer of real history, the chief

problem of the man who would be more than a mere annalist, or the compiler of arid details. Ill-arranged particulars not only confuse and weary the reader, but often leave erroneous impressions that are not far removed from falsehoods. "For the casual reader emphasis is essential to due comprehension; and in artistic work emphasis consists less in exaggeration of color than in the disposition of details in regard to foreground and background, and the grouping of accessories in due subordination to a central idea." The function, therefore, of the historian is not merely to accumulate facts, at once accurately and in entirety, but to present them in such a way that the wayfaring man may not err in his understanding of them. Facts must be so presented as to show essential unity; but unity is not the exclusion of all save one, it is "a multiplicity in which all the many that enter into it are subordinated to one dominant thought or purpose of the designer, whose skill it is to make each and all enhance the dignity and harmony of the central idea."

Professor E. R. A. Seligman, the president of the Economic Association, spoke on Economics and Social Progress. He dwelt on the fact that great changes had taken place in America, whose history was the history of national infancy, and that in addition to other forces economic impulses are everywhere discernible. By fully recognizing the influence of economic strivings and conditions in the past one is better enabled to appreciate the meaning of the present and to look forward hopefully to the future. Such study helps to banish the idea that America's present prosperity must be followed by decadence. There are six points which differentiate us from the civilization of the past: first, the practical exhaustion of free land, without which slavery is not likely to exist; second, the predominance of industrial capital, which means not industrial aristocracy, but democracy; third, the modern application of scientific methods to industry, making for international friendship and coöperation; fourth, the development of a competitive régime, which is to be raised to a higher plane, and not destroyed; fifth, the emergence of a true public opinion; sixth, the existence of the democratic ideal.

The Saturday morning session was held in Houston Hall at the University of Pennsylvania. Provost Harrison of the university welcomed the Association and spoke of the history of the university and its relation to the past of the city. All the papers read during the morning were on subjects in American history. The title of Dr. James Schouler's paper was *The American of 1775*. It dealt chiefly with social and industrial conditions of the Revolutionary

days, and gave an interesting description of slavery and white servitude of the time. Dr. James Sullivan in a paper entitled *The Antecedents of the Declaration of Independence* sought to show where the main philosophical assertions of the Declaration had previously appeared in earlier writings. He did not seek to trace out in detail the modern compact philosophy with which Jefferson was imbued, nor to mark out the connection between the theories of Jefferson and those of the English philosophers of the seventeenth century. He confined his attention to ancient writers, bringing out the fact that Protagoras the Sophist in the fifth century B. C. had put forth the compact theory of the state, that Socrates had spoken of natural law, that Aristotle and Plato referred to fundamental laws to which formal laws should conform in spirit, and that by the beginning of the fifth century A. D. all of the important principles of the Declaration had been enunciated. The notion that there is a compact to obey kings appears in the writings of St. Augustine, where may also be found the thought that consent is the basis of government, and that obedience to bad laws can be refused. The influence of Augustine through the Middle Ages serves to connect the ideas of the ancient world with the philosophers whose thinking was more directly felt by the Revolutionary fathers.

Professor J. Franklin Jameson, of the University of Chicago, read a valuable paper on *Letters from the Federal Convention of 1787*, which will prove helpful to those who are seeking to understand the work of the Convention. These letters supplement the official journal, and the accounts of the debates given by Madison and others. The writers occasionally naively disregarded their obligations of secrecy and disclosed to their correspondents in some measure the character of the discussions that were in progress. By the study of these papers some additional light is gained on such important matters as the great controversy between the large and the small state parties. It is Professor Jameson's intention to publish in the *Report* of the Association other studies in the work of the Philadelphia Convention; among other things he will prove that we have no accurate text of any of the various plans that were introduced, and will show how the contents of these plans can be more fully determined by a comparative study of the journals and letters from the Convention.

Professor William MacDonald, of Brown University, read a paper on *A Neglected Point of View in American Colonial History*. He declared that in spite of the great activity in publication and investigation there obtains still a natural tendency to dwell on

matters of merely antiquarian interest, and that as a consequence the main lines of colonial progress and development are not properly traced and followed, that colonies are treated separately as if they were quite unlike in character and experience, and that as a result the trouble with England ending in war and revolution generally flashes upon the scene quite unexpectedly, thus losing for the average reader most of its real nature and actual significance. The thought to be emphasized is that the colonies were part of the English Empire; their progress should be studied as a part of the history of English colonization; only by such study can early American history be understood. An appreciation of this palpable fact would dissipate the atmosphere of provincialism with which our history is still enclosed. By the student not desiring to promote patriotism, but to show facts, the West Indian possessions of England must not be neglected as if they held no place and played no part in colonial history; the general position of these colonies, especially in the generation preceding the Revolution, is very important. While not stimulating to American pride, the truth remains that the sugar islands were more seriously considered by the mother-country than were her continental possessions. Professor MacDonald was also of the opinion that many phases of American life, notably slavery, could properly be understood only by a comprehensive examination of the conditions of the Empire. He also spoke in an interesting and suggestive way of the desirability of studying the introduction of English law into America, and its gradual modification by local usage and custom. This paper is in a measure supplementary to one read by Professor Herbert L. Osgood at the Washington meeting, which dealt with American colonial history as a part of the history of English colonization, and traced out in broad lines the relationship of England and her colonies in the seventeenth century.

An interesting paper on Reasons for the Withdrawal of the French from Mexico was read by Professor C. A. Duniway, of Leland Stanford Junior University. It examined the question as to whether or not the withdrawal of French troops which left the ill-starred Maximilian to his fate should be attributed, as writers customarily declare, to the interference of the United States and the plain intimation of Seward that the presence of a foreign army in Mexico could not be tolerated. Professor Duniway sought to show that the purpose of Napoleon was to build up in America a Latin influence able to counterbalance that of the United States, and that the true reason for giving up this earnest effort was overpowering necessity arising from many sources, and not simply the objec-

tion that came, late in the day, from Washington. Four facts, he said, were to be considered: the situation in Mexico, where it was plain that there was not the acquiescence in the rule of Maximilian that Napoleon had hoped for; such dissatisfaction in France, not only with the expense of Mexican conquest, but with several aspects of imperial plans and methods of administration, that there could be no reliance on the continuing support of the people; the disturbing conditions in Europe, where Bismarck's strong hand was already visible, indicating the desirability of France's husbanding her resources and concentrating her energies rather than seeking distinction beyond the sea; and lastly, the attitude of the United States, which must be considered only as a contributing cause for the abandonment of the somewhat quixotic enterprise. The first alarming note was sent to Mr. Bigelow, the American minister in Paris, November 6, 1865, when Napoleon was already under great pressure; and when the later threatening communications were sent by Seward the difficulty of retaining the army in Mexico was already nearly if not quite sufficient to determine the policy of the French government. By wise and judicious delay and by objecting at the critical moment Seward satisfied the demands of the people of this country, and yet took no serious risk of bringing on war with France. It may be said that, while this interpretation is less gratifying to American pride than is the usual interpretation, it does not detract from the wisdom of Seward's diplomacy.

The meeting of Saturday evening, at which Mr. Gregory B. Keen, librarian of the Historical Society of Pennsylvania, presided, was held in the rooms of that society, which are admirably adapted for the purpose. The first speaker was the Honorable James Breck Perkins, who discussed at some length the history of the French Parliaments. He spoke of the character and constitution of this body, and especially of the continuing controversy, which lasted with varying intensity for centuries, between the king and Parliament as to the right or the duty of the judges to register the ordinances of the king; this was a central line of constitutional history until the Revolution. Mr. William B. Weeden, in a paper on *The Art of Weaving, a Handmaid of Civilization*, aimed not to give a technical history, but to show how one of the humblest and most domestic arts has grown out of man's experience and his contest with nature. Prehistoric as well as historic materials were freely used, and the gradual development of the upright loom among simple peoples was illustrated by outline drawings. He likewise spoke of the great variety of human mo-

tives that have stimulated the weaver; desire of comfort, awe in worship, pride of display, love of home, longing for symbolical utterance, have all moved him and contributed to his development and to the growth of his art. Professor Charles W. Colby, of McGill University, read a very entertaining paper on *The Attractiveness of History*.

The programme of Monday morning was in the field of European history. Professor Earle W. Dow, of the University of Michigan, in a paper on *Some French Communes in the Light of their Charters* advocated the following propositions: first, we shall have to modify present opinion in regard to the form and content of at least many of the charters; far from being unarranged and unordered collections of numerous unexplained matters, they are oftentimes intelligible and sensibly arranged solutions of a few problems in local conditions: second, by looking at the communes through glasses thus readjusted we get a clearer view of such associations, especially of their early aims and business; in many instances at least, it is quite evident that their main function was to aid in the maintenance of law and order.

Professor John M. Vincent, of Johns Hopkins, presented a paper on *Municipal Problems in Medieval Switzerland*, calling attention to the condition of the cities, which by the close of the Middle Ages had become sovereign states joined together in a feeble confederation, but practically independent. Their governments, therefore, touched the highest and lowest forms of administration: treaties with kings, private law, criminal law, markets, streets, and stray animals, all came within the purview of the municipal council. The necessity of city walls for military defense had a great influence on the inner life of the community. Two forms of government existed at this time in Swiss cities. In one the trade guilds had an important place and in the other they were forbidden; the first formed a representative government, the other, an aristocracy; both extended their powers over districts outside the city walls. The paper indicated briefly how under these circumstances trade, taxation, paving, police, social and private conduct, and other matters were regulated. Dr. Arthur M. Wolfson read a brief bibliography on Italian communal history, giving a classification of the best secondary authorities and of collections of source material. He added helpful critical comments on the more important works. The fourth paper, by Professor Henry E. Bourne, of Western Reserve University, was a condensation of the article appearing in this number of the *REVIEW*, the result of a fresh study of material in the French archives and elsewhere.

After luncheon in Houston Hall a short session was held, in which only one paper was read. It was by Professor James A. Woodburn, of Indiana University, on Party Politics in Indiana during the Civil War, a valuable treatment of an important subject. It dealt chiefly with the character of party opposition to the Lincoln administration. The "War Democrats" sought to bring about a cessation of party strife and to aid the vigorous prosecution of the war. The "Copperheads," as the Republicans contemptuously termed the extreme peace-party, were factious in their opposition, preferring the triumph of the Confederacy to the preservation of the Union by force. The main body of the Democrats in the state became almost exclusively a party of negation and obstruction, antagonizing Lincoln's conduct of the war, especially at all points where it seemed that the work of the administration might make for emancipation; they were a party of conciliation and compromise in the interest of slavery, a party of antipathy toward abolition and toward New England as the nest of abolition heresies, a party of traditional dissatisfaction with the tariff, of attachment to abstract principles concerning constitutional right and the rights of the individual against arbitrary government. The strange and fantastic proposal for the preservation of the Union by ending the war, involving as it did the formation of a Union party in the south able to suppress secession and to bring about a peaceable settlement between the sections, was almost the only constructive proposition put forth during the course of the war. Mr. Woodburn's entire paper, which will be published in the *Annual Report* of the Association, will discuss the struggle between Governor Morton and the Peace Legislature of 1863, the secret political orders of the state, arbitrary arrests, and treason trials, and will close with a brief consideration of the Milligan case.

At the second joint session with the Economic Association, which was held in Griffith Hall, Provost Harrison presided. The subject of Currency Problems in the Orient was discussed by Professor Jeremiah W. Jenks, of Cornell University, who was followed by Mr. Charles A. Conant, Mr. G. Bruce Webster, and Mr. Horace White. The article by Judge Simeon E. Baldwin which appears in the present number of the REVIEW was read at this session, an interesting treatment of what might seem at first an arid topic.

Tuesday morning was given up to subjects in diplomatic history, especially those suggested by the proposed Isthmian canal. The meeting was held in the rooms of the American Philosophical Society. Mr. Hiram Bingham, Jr., read an interesting account of the Scots

Darien Settlement in 1698. With new details and with reference to new materials, the story was told of the organization of Paterson's famous company, its dastardly mismanagement, the sufferings of the colonists, and the final miserable failure of the enterprise. Professor George G. Wilson, of Brown University, commented on a letter of Humboldt which was printed in this REVIEW (Vol. VII., p. 704); he spoke of the influence of the letter, and the value of the information and advice it contained. Professor L. M. Keasbey, of Bryn Mawr, rapidly traced the history of the Isthmian transit question and designated four distinct phases through which the policy regarding the transit between the oceans has passed: first, the very early national European policy, coming from the fact that Spain held colonies on the Pacific, and that England also desired influence in the region and sought to control the passage; second, the Anglo-American policy, ending in the Clayton-Bulwer treaty, which provided for the neutrality of the canal; third, the international policy, following the example of the international guaranty of neutrality of the Suez Canal; fourth, the American national policy, arising from the American practice of holding aloof from the European concert, as well as from our peculiar interest and commanding position in the Western Hemisphere.

Professor John H. Latané, of Washington and Lee University, in a paper on The Neutralization Features of the Hay-Pauncefote Treaty ably discussed the general principle involved in the term neutralization and tried to deduce from examples of so-called neutralized countries and waterways the real significance of the term, and the duties, rights, and obligations involved. He advanced the view that, while the Hay-Pauncefote treaty professes to establish neutralization, its provisions are in reality contradictory and ambiguous, and that so long as England wishes to maintain a free hand in the management of the Suez Canal, which she still does in spite of the convention of 1888, she will probably not be disposed to hold us to a strict interpretation of the Hay-Pauncefote treaty, for the conditions of the Suez and Panama canals are so similar that any rule which may be developed in the one case will in all likelihood be applied in the other.

In a paper entitled Central America and the American Foreign Policy Dr. J. M. Callahan emphasized the necessity of a study of the diplomatic correspondence of commercial as well as of political agents in Spanish America beginning with 1809; only by such study, he said, could one understand the development of the idea of the Monroe doctrine in the mind of Monroe, who was secretary of state from 1811 to 1817 and continued to read the despatches after

he became President. In 1823, after issuing his message, he sent one of his closest friends on a secret mission to watch the Holy Alliance. Dr. Callahan also gave a sketch of our relations with Central America from 1822 down to the end of the Civil War. It is noteworthy that in the time of Buchanan one of our prominent diplomats proposed in a long dispatch that the United States should enter into treaties of alliance with the Spanish-American republics on the basis of the Monroe doctrine and non-expansion toward the south. It is plain that during the Civil War Central America, fearing European intrusion and the possible encroachment of the filibusters, favored the cause of the north and Union, and became more and more friendly with the authorities at Washington.

Professor Theodore S. Woolsey was not present, and his paper was therefore read by Mr. J. B. Henderson, Jr., who had been largely responsible for the preparation of the programme for this session. The paper presented a parallel between the problems of the Suez Canal and those presented by the Panama Canal. The new canal, like the older one, would effect a change in the world's trade routes, and the courses of both canals lie within the limits of states themselves too poor and too weak to act as protectors. They will inevitably bring up political and military questions of similar import; they are alike in the early application of principles of neutralization by general guaranty and in the later substitution of national for international guaranty. Moreover, Professor Woolsey prophesied that as England has strengthened her hold upon Egypt to control Suez, so the United States, forced to protect the canal, is likely to acquire a certain political authority in Central America and to assume large responsibility for the conduct of the United States of Colombia. After the formal papers, Mr. J. G. Rosengarten, of Philadelphia, spoke entertainingly of the history of the American Philosophical Society from the time of its foundation by Franklin, one hundred fifty years ago, and of the valuable manuscript materials in the vaults of the society, not the least important being the original journals of the Lewis and Clark expedition, an exact transcription of which is soon to be published.

At the Washington meeting the members that were present from the south held an informal gathering and appointed a committee to investigate the status of historical study and teaching in the southern states, and to make a report at the Philadelphia meeting. This committee, of which Professor Frederick W. Moore was chairman, after a careful examination of more than sixty degree-conferring institutions, reported to the group of Southern members in

attendance at Philadelphia. The report showed that history is taught in every one, that each year fully half the students are enrolled in at least one class in history, and that while twelve colleges offer less than six hours per week there are sixteen offering more than twelve. In more than fifty of the cases examined the professor has to give a portion of his time to other subjects. The course in history offered is in many instances not strong, but the outlook is very encouraging. Noteworthy improvement in many directions has come within the past ten years. Some twenty institutions have extended their courses of history and have put the work in charge of young men who have taken their degrees from the best institutions in America and abroad. There are, moreover, many Southern students engaged in working for the doctorate in the larger universities of the country, and they are writing creditable dissertations and making important investigations of historical material; the professors in the southern colleges not only are offering stimulus to their students, but are themselves engaged in work of historical research. The committee recommended that investigation be made into the facilities offered by American colleges before 1860 for the study of history and allied subjects, as well as into the character of the instruction furnished. In accordance with this suggestion such committee was appointed.

The business meeting of the Association, which was held Monday afternoon, was not less interesting and significant than the other sessions. It showed that the Association is growing in strength and has to quite a remarkable degree enlisted the coöperation of the active historical workers of the country, each one of whom is ready to do his part in the various enterprises that are under way. The number of members is now so large and the different parts of the country so well represented that some new need in organization and in methods of administration is not unlikely soon to arise. The idea of having a special section for the consideration of questions in diplomatic history and of problems in international law and practice has already been mentioned. Something was also said at this meeting of the desirability of finding some means for the more intimate association of those especially engaged in the study of political science and kindred subjects. Such an informal organization as that made by the Southern members at Washington and continued at Philadelphia is an indication of the various interests included in the Historical Association, and an example of how those interested in a special line of work or in particular investigations may make use of the general gathering for furthering their study and the carrying on of their plans. After

all, in spite of the different elements that seem to be coming together, there is no great danger of disruption of the larger body. History, it may safely be said, is a commanding subject, and is not likely to be subordinated to other studies, while the capacity for organization and progress shown by its course in the past seems to prove the Association competent for solving the problems which its very advancement and success have brought in their train, and for working out the completer system which development and increasing interest may demand.

The report of the treasurer was as gratifying as usual, a tribute to the excellent management of Dr. Bowen. The assets of the Association were given at \$20,497.21, an increase during the year of \$6,019.56, of which \$4,953 came from the legacy left by Dr. Herbert B. Adams. The total membership of the Association is now not far from nineteen hundred. The most important new enterprise undertaken by the Association was a plan for securing the publication of a series of reprints of valuable early American narratives. This plan was approved by the Council and favored by the Association. Its adoption was coupled with the proviso that it should be expressly stipulated in any contract with the publishers that the Association should not be committed to purchasing any of the books or to giving any pecuniary aid to the enterprise. To carry the plan into operation a committee was provided for, whose duty it should be to secure a general editor and to give him such instructions as should define the relations of the Association to the undertaking and protect its interests. Professors George B. Adams, Albert Bushnell Hart, and George L. Burr were appointed as such committee; they subsequently chose Professor J. Franklin Jameson as general editor. The Historical Manuscripts Commission, through its chairman, Professor E. G. Bourne, reported that it was preparing for publication the diary of Salmon Portland Chase from July 21, 1862, to October 12, 1862, and the letters received by Secretary Chase in the years 1862-1865 from George S. Denison, collector of internal revenue in New Orleans. The letters are of considerable significance in their disclosure of actual conditions in Louisiana after the occupation by the northern army. It will also print about fifty letters of Mr. Chase to E. S. Hamlin, of Cleveland, Ohio, covering the years 1848-1860, and a selection of the letters received by Mr. Chase from prominent public men, mainly during the Civil War. The Commission further reported that Professor Frederick J. Turner is engaged in preparing for the printer the correspondence sent to the home government by Genet, Adet, and Fouchet, French ministers to this country in Washington's administration. Professor William

MacDonald, for the Public Archives Commission, stated that the forthcoming report will contain a description of the condition and extent of the public archives of Illinois and Oregon, as well as something concerning the Spanish and Mexican material bearing on the early history of Texas, now in the possession of the University of Texas; also that reports are in preparation on the archives of Maryland, California, and the Revolutionary counties of Carolina. Professor George B. Adams, chairman of the board of editors of the *AMERICAN HISTORICAL REVIEW*, made a short report on the work of the board, and commented especially on the number of substantial articles in European history that have been sent in for publication. Dr. E. C. Richardson, in behalf of the Bibliographical Committee, spoke of various plans that had been submitted and taken under consideration, and reported that full bibliographies of Louisiana and Florida were promised for completion in 1903. The committee has collected the opinions of various scholars as to the chief bibliographical needs at the present time and is taking steps, so far as replies relate to American history, to have the suggested fields covered either through private enterprise or with the help of the committee.

The committee on the Justin Winsor Prize, by its chairman, Professor Charles M. Andrews, recommended that the prize for the year 1902 be awarded to Dr. Charles McCarthy, of Madison, Wisconsin, for his monograph on "The Antimasonic Party," and that honorable mention be made of Mr. W. R. Smith's monograph on "South Carolina as a Royal Province." The committee stated that they desire all contestants to provide a critical bibliography of satisfactory character, that it is highly desirable that more attention be paid to style and form of expression than is usually the case, and also that for the convenience of the committee the manuscript should be neat and legible. The committee on time and place of meeting, composed of Professors William A. Dunning, A. L. P. Dennis, and F. H. Hodder, reported that various places had been considered, notably Madison, Chicago, and Nashville, but it seemed best to hold the next meeting in New Orleans, December 28-31, 1903. This report was adopted by the Association. The committee on nominations, composed of Professor George G. Wilson, Professor John H. Latané, and Mr. Maurice Zéligson, proposed for the ensuing year the following list of officers, for whom the secretary was instructed to cast the ballot of the Association: Mr. Henry Charles Lea, of Philadelphia, was elected president; Mr. Goldwin Smith, of Toronto, first vice-president; Mr. Edward McCrady, of Charleston, South Carolina, second vice-president; Mr.

A. Howard Clark, Professor Charles H. Haskins, Dr. Clarence W. Bowen, and Professor Samuel M. Jackson were reëlected to the positions they had held during the preceding year; Professors George L. Burr and Edward P. Cheyney were chosen as members of the Council in place of Professor William A. Dunning and Mr. Peter White, who have served three years. Below is given a list of the officers of the Association, and also the membership of the commissions and committees, whose members are appointed by the Council.

OFFICERS AND COMMITTEES OF THE AMERICAN HISTORICAL
ASSOCIATION.

| | |
|---|---|
| <i>President,</i> | Henry Charles Lea, Esq., 2000 Walnut St., Philadelphia. |
| <i>First Vice-President,</i> | Goldwin Smith, Esq., Toronto, Canada. |
| <i>Second Vice-President,</i> | Edward McCrady, Esq., Charles- ton, S. C. |
| <i>Secretary,</i> | A. Howard Clark, Esq., Smith- sonian Institution, Washing- ton. |
| <i>Corresponding Secretary,</i> | Professor Charles H. Haskins, 15 Prescott Hall, Cambridge. |
| <i>Treasurer,</i> | Clarence W. Bowen, Esq., 130 Fulton St., New York. |
| <i>Secretary of the Church History Section,</i> | Professor Samuel M. Jackson, 692 West End Avenue, New York. |

Executive Council (in addition to above named officers):

| | |
|--|---|
| Hon. Andrew D. White, ¹ | Captain Alfred T. Mahan, ¹ |
| President James B. Angell, ¹ | Professor J. Franklin Jameson, |
| Henry Adams, Esq., ¹ | Professor A. Lawrence Lowell, |
| Hon. George F. Hoar, ¹ | Herbert Putnam, Esq., |
| James Schouler, Esq., ¹ | Professor Frederick J. Turner, |
| Professor George P. Fisher, ¹ | Professor George L. Burr, |
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THE ORIGIN OF PROPERTY IN LAND

FROM the time when Montesquieu derived the medieval constitution from the primitive forests of Germany up to the last quarter of the nineteenth century those who spoke or wrote of the origins of institutions lived tranquilly. The matter was relatively simple. The stream of Germanic invasion swept over the decaying Empire, annihilating the old systems and introducing the principle of freedom and democracy, contained in institutions more or less rudimentary. This system, despite its varying destinies in different lands, possessed a unity and a sanction in natural law that enabled it to emerge again in the great days of 1848. It was under the influence of the political ideas then current that Waitz,¹ Kemble,² and the Maurers³ began to unfold the details of primitive German democracy. The kernel of this system was the mark, the free, self-governing village, with its little political assembly and its communistic agricultural arrangement, under which the title to the land was vested in the community. The mark was the typical form of Germanic settlement, and was reproduced wherever the German invaders found permanent homes. But under the corrupting influences of civilization and new economic conditions the free mark community gradually fell into dependence upon some one of its members, who, or whose successor, became manorial lord, the proprietor of lands which others occupied and worked. And as he had inherited the lordship, so did he also the jurisdiction of the earlier community. In this fashion the manorial system of the Middle Ages was readily accounted for. This doctrine was widely and enthusiastically received. In England Green⁴ and Freeman⁵ swallowed it whole, and even Bishop Stubbs⁶ gave to it a qualified assent.

¹ *Deutsche Verfassungsgeschichte*, Bd. 1-4 (Kiel, 1844 ff.). Waitz was under great obligations to the earlier writers of the Germanistic school, notably Möser, *Osnabrückische Geschichte* (1768); Grimm, *Deutsche Rechtsalterthümer* (1828); Eichhorn, *Deutsche Staats- und Rechtsgeschichte* (1808-1823).

² *The Saxons in England* (1849).

³ Konrad Maurer, "Angelsächsische Rechtsverhältnisse," in *Kritische Ueberschau der Deutschen Gesetzgebung*, I.-III. (Munich, 1853-1856); G. L. von Maurer, *Einleitung zur Geschichte der Markverfassung*, etc. (Munich, 1854); *Geschichte der Markenverfassung in Deutschland* (Erlangen, 1856).

⁴ *Short History* (1893), 3-4; *Making of England* (1898), 175-188.

⁵ *Norman Conquest*, I. (2d ed.), 83-84, 96-97.

⁶ *Constitutional History*, I. (1897), 88-91.

The reaction against the ideal calm of this Germanic dispensation began in the seventies. Fustel de Coulanges in a work¹ published shortly after the Franco-Prussian War sounded the first note of controversy. But his doctrine was so generally opposed that he undertook to develop it in greater detail in a series of volumes, the completion of which was destined to be entrusted to the pious labors of his disciple M. Camille Jullian.² In America and England, meanwhile, Mr. Denman Ross³ and Mr. Seebohm⁴ were working along the same critical lines marked out by Fustel. In 1885 Fustel dealt searchingly with the mark in an essay which may fairly be held to have relegated that institution to the limbo of unwarranted hypothesis.⁵ In 1891 Professor Ashley ranged himself under the banner of Fustel.⁶ These writers have been described, in contrast to their Germanistic predecessors, as a Romanist school, and this is just in so far as they all ascribe a certain importance to the influence of Roman elements in the formation of medieval institutions. But their common bond and their great contribution lies rather in the rigor and sanity of their critical method. The enduring part of their work, it is coming to be seen, has been destructive. They have dissipated errors such as the mark, and everywhere they have imposed caution and suggested doubts of hypotheses that were fast hardening into axioms. On the constructive side, they share an opposition to the doctrine of primitive German democracy, tending instead to represent early German society as aristocratic in its structure and to attach great importance to the survival and influence of Roman institutions in the lands conquered by the Germans. In this regard it is necessary to make due allowance for the reaction against the earlier and exclusively Germanistic doctrine.⁷ The attempts, for example, to show that the early Germans knew full ownership in severalty or to derive the English manor direct from the Roman *villa* have not in the long run proved successful.

In the last decade of the last century the pendulum began to swing back again toward primitive freedom, though not indeed to-

¹ *Histoire des Institutions Politiques de l'Ancienne France* (1875).

² 6 vols., 1888-1892. The work retains the same general title, but each volume has also a title of its own. The first and second volumes appeared in M. Fustel's lifetime.

³ *Early History of Landholding among the Germans* (Boston, 1883).

⁴ *The English Village Community* (London, 1883).

⁵ "De la Marche Germanique," in *Recherches sur quelques Problèmes d'Histoire*.

⁶ *The Origin of Property in Land*, translated from Fustel's essay in *Revue des Questions Historiques*, April, 1889, by Mrs. Ashley, with a valuable introduction by Professor W. J. Ashley (London, 1891; 2d ed., 1892).

⁷ This whole question, it will be remembered, had been raised in the eighteenth century for the purpose of justifying the privileges of the noblesse in France. See Boulainvilliers, *Histoire de l'Ancien Gouvernement de la France* (1727), and Dubos, *Histoire Critique de l'Établissement de la Monarchie Française dans les Gaules* (1734).

ward the mark. M. Flach argued strongly for the early existence of the free village.¹ Then Professor Meitzen put the Germanistic doctrine on a new and more secure footing.² He abandoned the mark theory and put forward a new reading of the twenty-sixth chapter of the *Germania*. But his most important contribution was the introduction of the idea of a typical form of Germanic settlement. A Germanic people, Professor Meitzen believes, will normally settle in a nucleated village, a Keltic people in isolated homesteads. This conclusion he reached after a minute examination of the rural economy of western Europe as it exists to-day and is recorded in maps and surveys of various dates. Professor Meitzen's system has wanted neither opposition nor support. In Germany Professor Hildebrand³ put forward a very different view of the condition of the primitive Germans. In England, meanwhile, Professor Maitland accepted Meitzen's doctrine and argued for the existence from early times of free villages with ownership in severalty.⁴

Thus a question which is essentially historical, which really needs to be decided before the adoption of any system of medieval or indeed of modern history, is seen to be one in which jurists and economists, archæologists and philologists, must come to the help of the historian and must receive his respectful attention. But the literature of the subject is very large, and much of it is special or local in character. To see the bearing of all these contributions, to determine, approximately at least, how at the present moment the main question stands, is no easy task. The attempt, however, has recently been made by a Russian savant whose equipment and experience ensure a careful consideration of his views.

Professor Maxime Kovalevsky has long been known for his erudition and for his sturdy belief in the comparative method of the study of institutions. As a young man he lived after the strictest sect of the Germanists, a pupil of Gneist, Brunner, and Nitzsch. He was in relation also with Fustel de Coulanges and had the honor of exciting the august wrath of that great scholar, who described him as one of those most responsible for the dissemination of Germanistic heresies with regard to the origin of property in land. Since then he has been active as teacher and writer in the departments of legal history and economics. Now he has undertaken to treat on a large scale the economic development of Europe

¹ *Les Origines de l'Ancienne France*, II. (1893).

² *Siedelung und Agrarwesen der Westgermanen und Ostgermanen, der Kelten, etc.*, 3 Bde. (Berlin, 1895).

³ *Recht und Sitte auf den verschiedenen wirtschaftlichen Kulturstufen*, Pt. I. (Jena 1896).

⁴ *Domesday Book and Beyond* (Cambridge, 1897).

in the Middle Ages.¹ The first volume of this work is devoted to the Roman and German elements in the development of the medieval estate and village community, and it provides a synthetic treatment of the whole subject which is of distinct value.

In harmony with the prevailing mental attitude, which moves men to look for truth on both sides of a controversy, Professor Kovalevsky offers a compromise. The problem, manifestly, is not so simple as it used to be. To assign an exclusively German or an exclusively Roman origin to all medieval institutions connected with the ownership or occupation of land is no longer possible. Such institutions are seen to be the result of a mingling of Roman and German elements. The nature of these elements, the proportion of their commixture, the forces that served to fuse the mass, these are the questions with which Professor Kovalevsky deals. It is the purpose of the present paper to pass in review some of the main points of his system with occasional comment or criticism.

From the foundation of the Principate until the end of the Western Empire, the Roman estate underwent various changes in respect to its outward form as well as its internal economy. It is important to realize that the *villa* of the age of Augustus differed in many ways from the *villa* of the age of Augustulus, for some writers, notably Fustel de Coulanges, have assumed that they were the same. At the earlier period a considerable number of free proprietors of small and medium-sized estates existed side by side with the rich owners of large estates cultivated mostly by servile labor. In the course of four centuries the great estate, absorbing those of small and of moderate size and reducing their proprietors to dependence, appears as the prevailing type of landholding in the Italian peninsula. This change was due to the working of several economic forces. The provinces, burdened with a heavy land-tax, applied themselves to more intensive forms of agriculture and began to export corn. The small proprietor in Italy found himself unable to compete with this influx of cheap provincial corn, on the one hand, and with the servile labor employed by the owners of great estates, on the other. Accordingly he drifted into debt and from debt into dependence, his farm going to round out the estate of his more fortunate neighbor. Then later the Church comes forward as a landlord on a large scale, building up great estates partly by gift or bequest, partly by bringing new land under cultivation.

¹ *Die ökonomische Entwicklung Europas bis zum Beginn der kapitalistischen Wirtschaftsform.* Mit Genehmigung des Verfassers aus dem Russischen übersetzt von L. Motzkin. In 6 Bdn. (Bd. I., Berlin, 1901.)

Within the estates another set of changes was going forward, from the beginning of the second century of our era. The chattel slave was becoming a predial serf, attached to the soil and owing his master certain fixed services and returns in kind. This was due partly to the falling off in the supply of prisoners of war, partly to the provincial competition which turned Italy to forms of agriculture for which the predial serf was better suited than the chattel slave. Then, owing to the decrease in population much land had fallen to waste. This was taken up by the government, by the municipalities, and by the Church, and let out either on long leases or by emphyteusis, and the latter system was made competent to private owners by the Emperor Zeno. There was a tendency to reduce tenants on these terms to the condition of *coloni*, persons bound to the soil, indeed, but protected against their lords by the determination of the rent and contributions which might be exacted of them.

These changes were of course not universal, and various forms of rural economy are to be found in the documents of the sixth and seventh centuries. As a general rule the estate fell into two unequal parts, the *curtis* of the lord, cultivated by his slaves under his personal supervision, and the shares allotted to tenants, whether free or dependent, upon varying terms. Within the latter the tendency was to normalize the condition of all tenants, assimilating them to the *coloni*. This was facilitated by the law of the Emperor Anastasius providing that the freeman who occupied the land of another should *ipso facto* be regarded as bound to the soil.

Thus the Roman *villa* as a legal and economic fact was by no means fixed and immutable. Rather, it changed as the economic conditions of Italy changed. When the Germans entered the Empire as conquerors, the *villa* had already assumed many of the external and internal characteristics of the great medieval estate.¹

Turning from the agrarian conditions of the Romans to those of the primitive Germans, all hope of definite or final results must be renounced. We must be contented with a scientific hypothesis. Nothing is to be gained by a rehandling of the text of Caesar and Tacitus. Still the situation of the Germans as known to those authors must not be left out of account. The population was in all probability extremely scanty, according to a recent conjecture amounting to some three millions of souls within the area roughly bounded by the Rhine, the Alps, the Elbe, and the North Sea, a

¹ Dr. Brunner, in a stimulating passage in his *Deutsche Rechtsgeschichte*, sec. 59, has already pointed out the striking similarity of the economic and social conditions amid which the Roman and Frankish Empires went to pieces. Both had to face extreme economic inequality, a powerful official aristocracy, private military arrangements, personal dependence, and the power of the Church.

region, for the rest, abounding in forest and marsh.¹ There was, therefore, plenty of room for hunting and grazing, and no occasion to turn from these congenial occupations to the difficult task of agriculture, and where that was attempted it would be in coöperation. Under conditions of this sort there would be little or no economic development.²

The life of a Germanic folk (*civitas*) would be centered in some kind of a fortified place surrounded by waste or forest in which, when occasion demanded, men and cattle alike could find refuge.³ The arable land would naturally be situated far from such a center. The folk itself would be composed of a number of clans (*gens*, *Geschlecht*) themselves consisting of families (*cognatio*, *domus*). These last, however, are not the small family of modern times, but the house communion, a large, impartible family occupying and cultivating land in common.

This arrangement of clans and families is the keystone of M. Kovalevsky's system as far as the Germans are concerned; but he has unfortunately left it somewhat vague. By the clan he seems to understand that kinship-group known to the German legal historians as the *Sippe*. Now there is no doubt that in the time of Tacitus kinship was traced through the mother as well as through the father, for maternal uncles were called to the inheritance.⁴ It will be seen, then, that the clan would be a shifting body differing for all persons who did not happen to be the children of common parents, and incapable accordingly of having a local habitation.⁵ M. Kovalevsky does not meet this difficulty, but is content to describe the clans as close associations of relatives dwelling in common, "*gentes . . . qui una coierunt*." Still, in view of the brilliant suggestions afforded by Mr. Seebohm's recent works,⁶ the matter cannot be dismissed lightly. For the house communion the principle of cohesion is double, consisting of the exclusion of women from the in-

¹ Kovalevsky assumes the general scantiness of population without defining the extent of Germania, and relying for the nature of the country on the Hessian material brought together by Arnold, *Ansiedelungen und Wanderungen Deutscher Stämme*. On the boundaries of Germania given above see Meitzen, *Siedelung und Agrarwesen*, etc., I. 33-42; on the population, Delbrück, in *Preussische Jahrbücher*, 1895. Cf. W. H. Stevenson, in *English Historical Review*, XVII. 626.

² For a brilliant, if somewhat erratic treatment of this aspect of the subject see Seeck, *Untergang der antiken Welt*, I. 179-221, a work which M. Kovalevsky seems to have neglected.

³ In confirmation of this view see Müllenhoff, *Deutsche Altertumskunde*, IV. 282.

⁴ Tacitus, *Germania*, cap. 20.

⁵ See this point well brought out in Heusler, *Institutionen des Deutschen Privatrechts*, I. 258-262; Maitland, *Domesday Book and Beyond*, 349; Pollock and Maitland, *History of English Law* (1st ed.), II. 237-245; cf. below note.

⁶ *The Tribal System in Wales* (1895); *Tribal Custom in Anglo-Saxon Law* (1902).

heritance, and the impartibility and inalienability of the family land occupied and cultivated in common. On this point especially Mr. Seebohm's work throws light, by bringing out the distinction between the strictly agnatic land-occupying group reckoned to the fourth generation, and the wergeld-paying group reckoned through father and mother alike to the ninth generation.

The *gentes* and *cognationes* of Cæsar, then, reappear in the *propinquitates* and *familie* of the line of battle as described by Tacitus, and in the *genealogie* and *faræ* of some of the Folk Laws. Now, in what relation to the land which they occupied and cultivated did these kinship groups stand? The answer to this question involves an exegesis of the terrible twenty-sixth chapter of the *Germania* of Tacitus. The *cultores* are the heads of individual families. The dilemma of *vicis* or *in vices* is met by a step aside into the tempting path opened by Meitzen when he suggested the slip of a copyist.¹ *In vicis* is no more than an incorrect extension of a contracted *vicinis*, and these *vicini* are the kinsmen, the members of the clan.² *Dignatio*, finally, is personal distinction determined by nearness of relationship to the common ancestor. Under these conditions a periodic redistribution of the arable land without any attempt at equality was made. The head of each household received a share proportionate to his *dignatio*, the size of his family, and the number of his cattle. The object of this allotment, it should be remembered, was not a specific area of land, but the right to occupy, that is, to clear and cultivate a certain proportion of the district of the clan.

Two characteristics of this arrangement should be emphasized. The agricultural system was purely extensive, a field-grass shift. The question of the ownership of land, in the Roman and modern sense of the word, was not raised. There was plenty of land, *superest ager*, and it probably never occurred to any one that it could have any value except in use. Under these conditions settlements might take the form either of villages or of isolated homesteads. The system of free occupation just now described and the convenience of having the plow-beasts near at hand would produce isolated homesteads; the danger of attack, nucleated villages. Any attempt to set up a typical form of settlement based on race psychology will prove unsuccessful.³

¹ Meitzen, *op. cit.*, III. 574-589.

² Even in the pursuit of an hypothesis one boggles at this, particularly as the reading *vicis* occurs in but one manuscript, and of that the original is lost. See Müllenhoff, *op. cit.*, IV. 365.

³ M. Kovalevsky, on the strength of what he himself describes as a scientific hypothesis, vehemently rejects Meitzen's theory of the nucleated village as the type of Germanic settlement.

Thus at the close of the first century of our era the Germans, thinly scattered over a wooded and marshy country, lived mainly by hunting and grazing. Their tribal organization, their primitive rural economy, and the abundance of land, all conspired to postpone until a later period any questions about ownership. But an increase in population, and the greater attention paid to agriculture in consequence, was destined soon to raise that question.

The way being prepared by an examination of Roman and early German conditions, we are presented with a formula that is designed to solve the problem of the origin of property among all the German peoples. It may be somewhat baldly stated as follows: the primitive Germans knew no ownership of land, only free occupation conditioned by tribal-family organization. But when they received royalty and the Church they were brought into contact with new ideas which kings and clergy, for reasons of their own, had drawn from Roman sources. The kings as successors of the Roman fisc in conquered provinces, and the clergy seeking an endowment for the Church introduced among the Germans the idea of the perpetual appropriation of land to the exclusive use and disposition of individuals or corporations. For a time this system and the elder Germanic arrangement of family occupation with no question of ownership existed side by side. The task is now to bring into this frame what we know or have inferred about the land systems of the various Germanic peoples who settled in, or were influenced by the Roman Christian Empire.

The Lex Salica and the capitularies connected with it as the eldest monuments of Germanic law¹ are to be considered first. These are not to be studied in isolation or interpreted by themselves. They should be brought, rather, into relation with what we know of the environment under which they came into being. The sparseness of population, the predominance of the pastoral life, the lack of sharp economic and social contrasts, as in wealth and status, the progressive absorption of, or fusion with the Roman provincials in Gaul, are facts which must be considered in interpreting the Lex Salica. It will be necessary to show that the Franks at the close of the fifth century were living under essentially the same legal and economic conditions as the early Germans, free occupation, namely, by family groups now fastened to the soil in villages, lordless, it is true, but not necessarily either self-governing or landowning. To do this at all, two points will have to be established:

¹ Euric's laws are probably older than any form of the Lex Salica that we possess, but in Euric's time the Visigoths had been for more than a century under the direct influence of Roman civilization. See Schröder, *Lehrbuch der deutschen Rechtsgeschichte* (3d ed.), 233, and the literature there cited.

first, that it was in movables only that the Lex Salica knew private property; and second, that village communities held together by a bond of kinship and occupying land in common actually existed.

The proposition so stated can scarcely be maintained. Part of the evidence establishes at least a very strong presumption for the existence of some form of individual ownership in land. The law authorizes a man to appropriate arable surfaces and to enclose them from seed-time to harvest, protecting him against injury to his enclosure or to his crop during that period.¹ In the face of these conditions expressed in such phrases as *campus alienus*, *messis aliena*, etc., it is hard to see how the complete absence of private ownership can be proved. The degree of ownership is a different matter. When land has value only in use, its subjection to the will of an individual during the period of its chief usefulness may well be called a mode of ownership.² Again, Mr. Seebohm has been showing us recently how to look at these questions from a new angle, namely, that of an undivided family occupation of land which in respect to house and curtilage will not exclude ownership in severalty, and which under certain conditions of tribal readjustment will admit the possibility of a distribution not *per stirpes* but *per capita*.

The existence of free villages at this period is more credible than the complete absence of private ownership. The word *villa* in the Latin of the Lex Salica and other documents of the time must not be restricted, as Fustel was inclined to restrict it, to the sense that it bore in the first two centuries of our era. The Roman *villa*, as we have seen, had itself altered in the intervening time. Then, too, the thing hidden under the word in our texts³ will not square with what we know of the Roman *villa*. For one thing, the communities here contemplated seem to be too large to be settled on a single proprietary estate. The *vicini*, again, who are mentioned as oath-helpers in a dispute between two *villæ* suggest the settlement of groups of kinsmen. Finally, the formidable title *De Migrantibus*, the subject of such abundant and contradictory exegesis, may be most readily explained by supposing that the single voice able to exclude a would-be settler is that of one member of a community having equal rights in the lands of a village

¹ Lex Salica, titles XVI., XXVII., XXXIV. (ed. Hessels and Kern, London, 1880).

² On this point cf. the somewhat fine-drawn remarks of Blumenstok on the dualism of the legal subject in respect to land at this time. *Entstehung des Deutschen Immobilien-eigentums*, I. 250-266. (Innsbruck, 1894.)

³ Lex Salica, titles III., VI., XLV., LXXIII.

settlement.¹ Here again Mr. Seebohm tends to reach the same result by a different path, suggesting that the objectionable intrusion was not so much that of a new member of the community as of a new idea, individual appropriation.²

These conditions, it seems, were transitional. With a growing population and an increasing interest in agriculture this system of free occupation might pass into one of common occupation, and eventually perhaps common ownership, or it might dissolve into private ownership, or these forms might coexist in varying proportions; all would depend upon the environment. As it happened, the environment of the Frankish conquerors of northern Gaul furnished a strong solvent for the old system of free family occupation. First there was the king already, as heir to the Roman fisc, a great proprietor in the Roman sense, and authorized under certain conditions, as where a crime had occasioned forfeiture, to take the place of a dead man's kindred and put the idea of individualism into direct competition with that of family possession. Then, too, fiscal lands were granted to the Church and to private persons, who were holding them just as the great Roman estates had been held. The Church, finally, was concerned to spread the idea that title might be acquired by prescription, and found a response in the common human instinct toward the hereditary transmission of property.

Thus the primitive German system transplanted into Gaul began to unfold, and at the crisis of its development was given an impulse that sent it in the direction of individualism. This impulse came originally from Rome and was transmitted to the Germans by two institutions to them relatively new, namely, the Church and royalty.

The transition from the common occupation of land in the Lex Salica to the private ownership of the Folk Law of the Carolingian period may be illustrated from the Lex Ribuaria. Take, for example, the alienation of land. By the elaborate process of *affatomia*³ a childless couple could convey their personalty (*fortuna*) to a stranger, but they were forced to adopt him and convey the property at once. A capitulary of A. D. 819 assimilated this clumsy method, half-way between adoption and testament, to the *traditio*⁴ of that time, which was commonly used in connection with realty. Between these extremes stands that title of the Lex Ribuaria⁵ which

¹ *Ibid.*, title XLV. See the literature cited in Schröder; *Lehrbuch der Deutschen Rechtsgeschichte* (3d ed.), 205-206. Fustel's explanation (*Revue Générale du Droit*, 1886) has been accepted by Hildebrand, *Recht und Sitte*, etc.

² *Tribal Custom in Anglo-Saxon Law*, 150-163.

³ Lex Salica, title XLVI.

⁴ Capit. Leg. Sal. add. an. 819, c. 10 (ed. Boretius ap. Behrend, *Lex Sal.*, p. 115).

⁵ Lex Ribuaria, title XLVIII. (ed. Sohm, *M.G.H., LL.*, V.).

permits a childless couple to dispose of the whole of their property to the heir of their choice, either by a written document or by a *traditio* in the presence of witnesses. From this and from two other regulations,¹ which provide respectively for the arrest of a man on the land of another, for the punishment of those who encroach on the land of a neighbor, and for the purchase and sale of realty, it may be inferred that already in the first half of the seventh century men were holding land in private ownership under the Folk Laws.

Three categories of ownership in severalty may now be distinguished among the Franks: first, that deriving from the Roman law and including whatever lands the Church held; second, that deriving from the royal authority and including clearings either made with the king's consent (*conquisitum*) or subsequently authorized by him (*adtractum*) (in the possession of such property the holder would be protected by royal law); finally, that limited form of ownership deriving from the Folk Law (land held in this fashion—the *terra aviatica* of the Lex Ribuaria—was still subject to certain restraints on alienation, and enjoyed only a restricted legal protection).

The period between the codification of the Folk Laws and the general legislation of the Carolingians may be illustrated from the formularies that were composed in regions where the Salian and Ribuarian laws obtained. These are Marculf's book, those bearing the names of their original editors Lindenbrog and Merkel, and the collections made at Angers, Tours, and Sens. These documents are to be regarded as Roman in substance as well as in form, with the exception of Marculf's book.² They illustrate the action of the royal power and the Church on the Folk Law, in legalizing certain dispositions of land not authorized by that law, such as the admission of daughters to the inheritance, representation of deceased heirs, and grants of real property. Here again we may trace the differences in degree and kind of ownership back to three sources, clearing, royal grant, inheritance.

We turn from the Franks to their Germanic neighbors. The nature of the settlement of the Burgundians in Savoy (A. D. 437) and the Lyonnais (A. D. 456) was such as in a great degree to obliterate their earlier habits in relation to the land. They came rather as guests than as conquerors invited for the special purpose of correcting the decrease in the population. Private owners, accordingly, were glad to share their lands with the new-comers who

¹ Lex Ribuaria, titles LIX., LXXVII.

² This assumption is contrary to the conclusions of Brunner, *Deutsche Rechtsgeschichte*, I. 403 ff.

were willing to take over part of the burden of taxation. In this way the Burgundians received two-thirds of the land and one-third of the *coloni*, and proceeded to settle in communities (*faræ*) composed in all probability of groups of kinsmen.

But this land had come as the direct gift of the Empire. It is not surprising, therefore, that when under King Gundobad (474–516) the Burgundian law was written down many norms of the Roman land law found their way into it. Thus the Burgundian Folk Law, as we have it, allows free disposition of property in immovables, and gives legal protection to such disposition. Still, traces of earlier conditions may be found in the common occupation of mountain, forest, and pasture-land. Then the single formulary of Burgundian origin that we have, the *Collectio Flaviniacensis*, shows the triple division of landed property into *alod* (inheritance), *adtractum* (clearing), and *comparatum* (purchase) which we have already met with among the Franks. The Burgundian kings also had fiscal lands from which grants could be made. Finally, the *alod* held under the Romanized Burgundian law was a much less restricted form of ownership than the *terra aviatica* of Frankland.

In dealing with the Visigoths, we must consider first the influence of their long sojourn in the Empire before they were permitted to make permanent settlements in Gaul and Spain, and then the twofold division of their law itself. The *Antiqua*, whether made by Euric (486) or Reccared (586), is a record of Visigothic law at a time when the Visigoths were separated from the Romans by a difference in creed and by the existence of a code of Roman law—the Breviary of Alaric—intended to be observed in the Visigothic kingdom. Under Recceswinth (649–672) these distinctions had vanished and his law-book, therefore, illustrates different and later conditions.

As in the case of the Burgundians, the nature of the Visigothic settlement, and the strong infusion of Roman civilization to which they had been subjected have obliterated most of the Germanic traits of their land laws, even in the *Antiqua*. The idea of private ownership is already well developed. Land may be alienated either by document or by witnesses, and freely devised; sisters inherit with brothers, and wife from husband or husband from wife, failing heirs to the seventh degree. As for Recceswinth's book and the formularies which illustrate the legal practice of the time, they are in substance, although retaining some Germanic qualities, royal and Roman law respectively.

The nature and organization of the proprietary estate from the time of the Frank settlement in Gaul to the fall of the Carolingian

line is to be derived from an examination of chartularies, polyp-tycha, and other documents illustrating agrarian conditions. In southern Gaul; where the provincial population stood thick, the Roman estates seem to have been undisturbed, but in the north they were considerably restricted to make room for the new settlers. In the course of four centuries of Frankish rule, however, these great estates underwent certain modifications owing largely to Germanic influences. The system of administration set forth in the *Capitulaire de Villis* is probably a counsel of perfection. Private owners lacked, as appears from the chartularies, any such articulated system of administration, and contented themselves with a steward (*villicus*, *cellarius*), who had the general management of the estate and under whom the heads of tithings (*decani*) chosen by the tenants performed certain special functions.

The whole estate fell into two unequal parts. - The former of these comprised the lord's house with the adjacent arable in three, four, or six fields and the appurtenances of vineyard, meadow, and forest. All that remained was generally occupied by the *mansi* of free and dependent tenants. As a rule the number of *mansi ingenuiles* exceeded that of *mansi serviles*, but the former were held by persons of varying status. Freedom was personal, the amount of service required of slaves, *coloni*, and free dependents varied with the size of their holding, not with their status, but the tendency was to confound all distinctions by normalizing services. On many estates there were also two classes of persons not included in this scheme and having personal freedom although economically dependent. These were *hospites*, who received land in full ownership against stipulated services, and precarists, who occupied the land of another upon special terms. These from the eighth century were commonly freemen who had commended themselves with their land.

The system of coaration which required all tenants to contribute their beasts and their labor to work the lord's demesne, had its origin in the neighborly practice of mutual help. Later it hardened into a manorial custom, just as within the community of a great estate the principle of dependence triumphed over that of freedom. But the plan of coaration was not uniform. Sometimes the whole demesne was ploughed by the full team of the peasants' beasts, again some portion of the fields would be allotted to each peasant house to be worked separately. There is, accordingly, no organic connection between coaration and the open-field system, nor is the size of a peasant's holding determined by the number of beasts he can contribute to the common team. The system of

coaration, indeed, was confined to the demesne, and even there it was not the general rule. The peasants worked their own land with a light plow drawn by a single yoke of oxen. Thus the number of beasts a peasant could contribute to the common team was determined by the size of his holding and not, as Seebohm argued, contrariwise.

It will be seen, then, that the personal dependence of the eighth century had not been stereotyped into a system of caste. No hard and fast line could be drawn between free owners and unfree tenants. The whole complex consisted rather of many elements, free and unfree, having Germanic as well as Roman origins.

The evidence of the Alamannian laws and documents has next to be considered. It should be remarked that the Roman population by no means disappeared in the region appropriated by the Alamanni. In the ancient Rhætia, particularly, the survival was very considerable. In the Lex, or later recension of the Alamannian law, accordingly, both Roman and Christian influences may be discerned. The latter were reinforced by the subjection of the Alamanni (496) to the Christian Franks.

This ecclesiastical influence shows itself in the Lex in several provisions tending to individualize the ownership of land and so to facilitate its conveyance to the Church. All opposition to land grants in favor of the Church is forbidden, and in order to promote such grants the law directs that family inheritances be divided among the heirs. Again, it is provided that where the right to land was questioned, title must be defended by the production of written documents, a way, of course, not open to those who were holding under Folk Law.

The classification of ownership according to its origin into *alod* (inheritance), *adtractum* (clearing), and *conquisitum* (grant) recurs in the Lex and in the Alamannian documents.¹ The Church, clearly, is largely, if not wholly, responsible for the existence of the third of these categories. Now if the responsibility for the second can be fastened on the Roman law, and if it can be shown that the limited ownership of the *alod* grew out of a primitive family possession, passing, as the family tie loosened under the play of new forces, into some form of individual ownership, then an important step will have been taken toward the establishment of Professor Koval-evsky's thesis. The attempt is gallantly made, but is not, I think, altogether successful.

¹ These are to be found in Wartmann's collection, *Urkundenbuch der Abtei St. Gallen*, 4 Th. Zürich, St. Gallen, 1863-1892.

A clearing of new land, it is contended, since it involves after all an appropriation from the common stock to the use of the individual, and since the notion of title acquired by prescription was strange to Germanic law, would secure for the pioneer only the right of occupation, the title remaining in the community. The influence of Roman legal ideas will be required to convert such a right of occupation into title of ownership. But this argument is open to two grave objections. The attempt, in the first place, to vest the title to land in a primitive community is hazardous. He who makes it must face the dilemma of regarding the community either as a company of joint owners, which is a mode of individual ownership, or else as a true corporation, a *persona ficta*. The first alternative contradicts the hypothesis, the second involves, to put it mildly, a serious anachronism.¹ Again, there is reason for believing that Germanic law recognized the principle that ownership is the reward of labor, which, in the present case, would produce the same result as the Roman idea of title by prescription.²

It remains to be seen how the hold of the kinship group over the land was relaxed, permitting land that had originally been held in common possession to pass into the full ownership of a limited number of proprietors. The original settlement may be supposed to have been made by a clan³ (*gens*, *Geschlecht*) rather than a fam-

¹ See on this point Heusler, *Institutionen*, I. 258-262; Flach, *Ancienne France*, II. 43 ff. Cf. Maitland, *Domesday Book and Beyond*, 340-348; *Township and Borough*, 20-24; introduction to Gierke, *Political Theories of the Middle Age*, xx. ff.

² Schröder, *Lehrbuch der Deutschen Rechtsgeschichte* (3d ed.), 205; Brunner, *Deutsche Rechtsgeschichte*, I. 205.

³ One searches in vain for a satisfying definition of the clan from those even who have most to say about it. The family, on the other hand, may be regarded as a group bound together by the will of a common ancestor, living or dead, within a degree near enough to secure a certain unity. Thus, although few of a group of second cousins may have seen their common great-grandfather face to face, yet his memory will be preserved to them by their fathers, who have seen and known him. Such a group, whether living in undivided house communion or not, will still have a natural unity. But if we suppose that the clan consists of the whole group of kinsmen reckoned outward to the degree at which mutual responsibility ceases, there will be no such natural unity, unless indeed we make the further and unwarrantable assumption of a strictly maintained system of endogamy. Mr. Seebohm's distinction between the group of land-occupying kinsmen, extending to the fourth degree, and the group naturally responsible for wergeld and oath-helping, extending to the ninth, has been very helpful in the difficulty. But the clan remains, I think, an idea too vague to be operated with in Professor Kovalevsky's summary fashion. The evidence brought to support the theory of clan settlement among the Alamanni consists of the use of the term *genealogia* in the *Pactus* and in the *Lex Baiuvariorum*, interpreted by the patronymic form of many Swiss place-names and by the survival into the late Middle Ages in parts of Switzerland of the blood-feud responsibility extending beyond the household to the entire kinship group. In regard to the former point Mr. Round's essay on the "Settlement of the South-Saxons and East-Saxons," in *The Commune of London*, 1-28, has opened the way for the critical study and classification of patronymic place-names. The second point loses much of its force

ily or household. But in the course of the seventh century, under the influence of family divisions, the clan gave way to the family in relation to the arable, retaining, however, its control over all the remaining land of the settlement. Then the fusion of the two races, the introduction of the Rhæto-Roman into the rank of possessors, some as owners, but the majority as *coloni*, tends to loosen the kinship bond. The clan-group of kinsmen becomes the mark-group of *vicini*, without losing, however, the common use of all but the arable lands of the settlement.

But this mark community of the ninth and tenth centuries lacked that internal equality upon which von Maurer and his school laid such emphasis. There was, on the contrary, a small number of free proprietors holding "ideal shares" of the mark land while a crowd of dependents enjoyed a usufruct of these lands deriving from the *jus* of their several lords. This "ideal share" was capable of realization as soon as the Germanic law under which it was held had been sufficiently subjected to Roman influences. The great proprietary estate rose rapidly on such a foundation to realize the ambition of a land-hungry Church and aristocracy. Grants of immunity from the central power were converted by the beneficiaries into local jurisdiction. The voluntary assumption of a dependent relation by freemen burdened with fiscal and military obligations, or embarrassed by failure of crops and famine, increased the number of justiciables. In this fashion from above and from below the process was hastened. Thus the old thriftless communal system gave way to the more profitable rural economy known to the Roman law and practised by the Church. But the resulting economic advantage was attained only at the cost of a serious restriction of personal freedom.

The conditions under which, at this period, land was held in the Italian peninsula must be considered next. Here the influence of the successive Germanic occupations upon the Roman agrarian system turns out to be even more insignificant and external than has generally been supposed. The Ostrogoths frequently contented themselves with a division of the produce rather than of the land. In the Exarchate, where the imperial tradition survived longer than in any other part of northern Italy, and immediately about Rome, where much land was held by churches, living Roman law, the old conditions, even the old terminology survived with very little change.

if Mr. Seebohm's distinction between the land-occupying and blood-feud groups be accepted. On the subject of the clan cf. Jenks, *Law and Politics in the Middle Ages*, chs. III., V., VI.; Ashley, *Surveys*, 144-146.

The Germanic occupations, however, had served to increase the population and to weaken if not entirely to destroy central authority. These changes are reflected in the internal relations of the great estates; and by the eleventh century the predial serf has almost wholly given way to the tenant holding by lease but standing in a relation of personal dependence to his landlord. The increase in population created a need for land, which was met either by clearing or by some other means of taking new land under cultivation. This broke up the old uniform relation of groups of dependent cultivators to the land which they worked. Meanwhile the breakdown of the central administration shifted to those private persons whose means allowed it the responsibility for, and by consequence the control over a large part of the population. This transformation of the Roman *adscriptus glebæ* into the medieval dependent peasant was also furthered by the growth of a body of local custom, which tenants were always ready to use in self-defense against their lords.

In the Po valley, where the Lombard settlement was comparatively dense, both status and modes of ownership were deeply affected by Germanic influence. The curt sentences in which Paul the Deacon describes the Lombard settlement have given rise to a controversy similar to that which still rages over the twenty-sixth chapter of the *Germania* of Tacitus. Two stages of settlement are recorded. After the fall of the Lombard kingship at the death of Klepht (574) the Roman proprietors were forced to divide their property with the Lombards at the rate of one-third of the gross profits. Ten years later, when the royal power had been reestablished by Authari, a new division was made. This has been regarded either as a further application of the principle on which the Lombards had already begun to fit themselves into existing arrangements or as the introduction of a new principle upon which the land and *coloni*, rather than the profits, were made the subject of division.

Status was affected by the weakness of the central government. The Germanic principle of personal protection was largely substituted for public authority. This protection was sought even by free Romans, although it involved a measure of dependence. Free men, too, were holding unfree land. Then the Lombard *aldio*, who although economically dependent was personally free, was assimilated to the Roman *mancipius*, and the two gradually fuse into a new class—the medieval *rustici* or *contadini*.

The Lombards, finally, are supposed to have introduced a system of communal possession, the use of undivided land with occasional readjustment. This contention had already been made

by Schupfer¹ but without much success, and has recently been rejected by Professor Vinogradoff.² Professor Kovalevsky holds the view of Schupfer, which may be supported, he thinks, by new arguments. The communities in question were formed, he supposes, by settlements on unoccupied land. These would be taken up at first on hereditary leases and would pass, either insensibly or by direct purchase, into the ownership of the community.³

The question of land-owning among the Anglo-Saxons, as having an especial interest for English and American students, may be allowed to detain us at some length. It can no longer be said that the Anglo-Saxon conquest made *tabula rasa* on which the conquerors wrote a purely Germanic constitution. Nor, on the other hand, can any general survival of Roman institutions be proved. Due allowance must be made for both elements. Since our authorities do not mention any division of land between the conquerors and the conquered, it may be inferred that none took place, particularly as there is reason to believe that a great part of Britain was still uncultivated. The country was not covered with a network of estates worked on the three-field system. It may be inferred rather that most of the land was cultivated on the extensive two-field system as late as Ine's time.⁴ This would imply either that it had been cleared by the conquerors or that they had not maintained the earlier arrangements.

On the other hand, Professor Kovalevsky believes that the Roman clergy that had taken no direct part in repelling the invasions were left in undisturbed possession of their land, and so carried over from Roman to Saxon-Christian times the Roman law idea of private ownership. This somewhat startling doctrine he derives from a passage in Eddi's *Life of S. Wilfrid* and a notice in Elmham's *History of the Monastery of St. Augustine at Canterbury*. Eddi relates that Wilfrid, at the dedication of his church at Ripon, publicly announced its endowment, consisting of the gifts of vari-

¹ This view seems to have been advanced in a work published in 1863 under the title of *Istituzioni Politiche Langobardiche*, which I have not been able to see.

² *Entstehung der Feudalbeziehungen im Langobardischen Italien*, cited in Kovalevsky, 346, *et passim*.

³ The text cited in support of the statement that a village or union of villages held such leases seems scarcely to bear that sense. "Et si minime fecero ad redendum vobis sic, me distringere debeatis, sicut alios colonos vestros" (Troya, *Cod. Dip. Lang.* ann. 777, p. 99). If a man fails to meet his obligations to his lord, he may under the local custom be distrained like any other colonus; what could be more individualistic?

⁴ See Ine, caps. 64-66, in Schmid, *Gesetze* (2d ed.), p. 52, providing that those who wish to leave their land must show that more than half of it is under cultivation *gesettes*, which could not be under the three-field system. Mr. Seebohm reads this passage very differently, understanding *gesettes* as let out to tenants. See *Tribal Custom in Anglo-Saxon Law*, 417-436, and particularly p. 422.

ous Northumbrian kings "et ea loca sancta . . . quæ clerus Brytannus aciem gladii hostilis manu gentis nostræ fugiens, deseruit."¹ These *loca sancta* are supposed by Canon Raine, the editor of the *Life*, to be ruined Roman churches which Wilfrid restored and rededicated. Now, it is somewhat difficult to make out how the existence of ruined church fabrics deserted in the sixth century by the British clergy proves that in the seventh century the successors of those clergy were in undisturbed possession of their land. The statement in Elmham's book is to the effect that before Augustine's coming the Benedictine rule was not observed in England, although there, as elsewhere, congregations of monks *sub regula institutæ* had existed from the foundation of Christianity, as the reader may remark in *diversis chronicis*.² Now this proves nothing to the question; it is the expression by a fifteenth-century churchman of the official view of the history of monasticism, but it is not, as every reader of church history knows, historically true. It can not, therefore, be taken as evidence that British monastic communities survived the Germanic invasions of Northumbria in undisturbed possession of their land.

Finally, this point is not essential to the general theory of the mingling of Roman and German elements in the system of land-ownership. The Roman idea of full ownership may equally well have affected Anglo-Saxon land tenures whether it touched them as a survival from the Roman occupation or was reintroduced by the Church in the seventh century.

The Anglo-Saxon kings came into possession of such lands as had formerly been held by the British rulers and the Roman aristocracy, of whom the majority may be supposed to have been killed. These lands were held as *terræ regis* in hereditary proprietorship. Whatever land, cultivated or uncultivated, was not held by the king or the Church was originally *folc land*. It was held, that is, under the Folk Law, which permitted neither alienation nor bequest. At the time of the settlement such land would seem to have been held rather by families than by individuals. Professor Kovalevsky seeks to establish this point in connection with the phrase "ethel land." *Ethel* and *adel*, he argues, following von Maurer, have the same root, and *adel* originally has the sense of family (*Geschlecht*) and only by derivation that of nobility. Again, the patronymic character of many English place-names would point to an original settlement by a group of kinsmen.³ The word *mægburg* in *Beowulf*

¹ *Vita Wilfridi Episcopi Eboracensis auctore Eddio Stephano*, in *The Historians of the Church of York* (ed. Raine, Rolls Series), 25.

² *Historia Monasterii S. Augustini Cantuariensis* (ed. Hardwick, Rolls Series), 199.

³ Cf. on this point Mr. Round's essay in *The Commune of London*, 1-28.

and the Anglo-Saxon laws indicates a fortified place to which a group of kinsmen might resort for protection.¹ Such a settlement would be made by a large undivided family (*Hauscommunion*) which by the seventh century had broken up into small individual families under the resolvent action of Church and State. Thus the Anglo-Saxon *ethel land* is essentially the same as the *terra aviatica* of the Ribuarian law.

The difficulties of reaching this point by the path Professor Kovalevsky has traveled are very grave. For one thing, the word *ethel* in the sense of land held by groups or individuals is not used in Anglo-Saxon documents. When the word occurs it has the sense of father-land, *patria*.² Von Maurer's argument, therefore, falls. Again, in assuming a common settlement and possession of land by family groups Professor Kovalevsky has not met the weighty objections of Professor Maitland,³ nor Mr. Round's argument tending to show that patronymic place-names may in many cases point to the original settlement of an individual in an isolated homestead rather than in a family group.⁴ There is, however, another path by which somewhat similar conclusions may be reached, and this Mr. Seebohm has been pointing out in his two works on tribal custom. By distinguishing between the family as *wergeld*-group reckoned to the ninth generation, and as land-occupying group reckoned to the fourth, Mr. Seebohm has shown how Professor Kovalevsky's difficulty may be avoided, particularly as the narrower group was for the purposes of inheritance strictly agnatic.

It may be reasonably supposed, then, that the social development of the Anglo-Saxons, like that of other German peoples, began with the predominance of the family, and that Church and State coöperated to weaken and at length to destroy that predominance. This is illustrated by the learning of recent years with regard to the *land boc*. By means of such a document the king conveyed to the Church or to a private person the right to take the royal tribute in a certain district. This right was not at first hereditary, nor did it authorize the receiver to dispose of the land at his pleasure. It was rather, indeed, the conveyance into private hands

¹ This definition is also given by Müllenhoff, *Deutsche Alterthumskunde*, IV. 282. Is it not equally possible that *burg* may have here the abstract sense of the protection afforded by the family connection? Certainly it would seem to be so used in the laws; cf. *Ine*, cap. 74, §1; *Alfred*, cap. 41, in Schmid, *Gesetze*, 56, 94.

² Schmid, *Gloss.*, s. v. *ethel*; Lodge in *Essays in Anglo-Saxon Law*; Stubbs, *Const. Hist.*, I. 80-81; Vinogradoff in *English Historical Review*, January, 1893; Maitland, *Domesday Book and Beyond*, 256.

³ *History of English Law* (1st ed.), II. 237 ff., particularly 240-241; *Domesday Book and Beyond*, 341-350.

⁴ *The Commune of London*, 1-28.

Bushland rights

of the authority of a public functionary.¹ Two sets of rights over the same tract of land thus appeared simultaneously, the right under the *land boc* to take tribute, the right under the Folk Law to occupy the land and to transmit it under the rules of inheritance laid down by that law. Those who enjoyed the second set of rights might be either free or dependent. Dependent tenure would be the rule where persons had been settled on the land by the king or by his officers, free tenure where the settlement represented a free land-occupying community.

Professor Kovalesky then makes a gallant attempt to show that land was originally held by communities in communal ownership.² There is no organic connection between open-field husbandry and the system of coaration, for the Anglo-Saxons ordinarily made use of a light plow and a single yoke of oxen. Accordingly the argument for the survival of the Roman *villa* which Mr. Seebohm based on such a supposed connection falls.³ We are left to find some other explanation for the distribution of the acre-strips and for the equality of the holdings under the open-field system. The unquestioned existence of private ownership in the time of Ine, and perhaps even earlier, is still no proof that it was primitive. Then the fact that the nature of peasant holdings under the open-field system excluded the possibility of periodic redistribution constitutes no difficulty; such redistributions are not necessarily primitive, nor an essential condition of communal ownership.⁴ Again, whatever freedom of alienation the Anglo-Saxon laws ascribe to the peasant proprietor may be referred directly to the influence of the Church, and can not, therefore, be primitive. Then, the survival until recent times of certain peculiarities of landholding in northern Russia is introduced as an argument from analogy. Under that system the family (*Hof, mansus*), and not the individual, was the holder of a share in the land of the community. This share was adjusted to the size of the family and was not a specific allotment of land, but rather a right to a proportion of all the possessions of the community. A single possessor might take up several normal shares or be reduced to a fraction of one, and this the more easily since it

¹ Seebohm, *Tribal Custom in Anglo-Saxon Law*, 419 ff.

² "Unter freiem Bodenbesitz verstehe ich hier den Besitz von Gemeinden, nicht den von Privatpersonen," p. 508. The translator seems to use *Besitz* and *Eigentum* as convertible terms (cf. pp. 85, 91), but the latter appears to represent the author's idea in this context. If *Besitz* be taken literally *cadit questio*.

³ *The English Village Community*, especially chs. IV.-V. Mr. Seebohm seems to have receded from this position; see *Tribal Custom in Anglo-Saxon Law*, 425.

⁴ See this point clearly brought out in Meitzen, *Siedelung und Agrarwesen, etc.*, III. 574 ff. The whole subject has been recently dealt with by A. Tschuprow, *Die Feldgemeinschaft* (Strassburg, 1902), a work which I have not been able to see.

was the house, not the individual, that was reckoned the possessor. An arrangement similar to this Professor Kovalevsky discerns in Anglo-Saxon England, and by it accounts for the twelve-hynde and six-hynde men of the laws.¹ But it may be remarked that even if the land-owning unit were the house and not the man, the notion of individual ownership is not thereby excluded. A group of such units occupying an area of land to an "ideal share" of which each is entitled does not, at the last analysis, differ from a group of coowners holding *pro indiviso*. This, indeed, will be the only possible explanation of their position unless the inadmissible idea of a corporation be introduced. The same reasoning will apply to the group of individuals forming the household and will find corroboration in the fact that the size of the share varied in direct ratio to the number of souls composing the household. The share, then, is the share of the individual whether or not it be allotted to him in severalty.

Under the Anglo-Saxon principle of equal division of the inheritance among the sons the large undivided family broke up. A new arrangement had then to be made involving a permanent allotment of arable land to the small families created by this subdivision. In order to secure strict equality this allotment was made in the scattered acre-strips of the three-field system. As the population increased new land would be taken up and new villages planted, and these in turn would undergo the same changes as the elder settlements. These latter under ecclesiastical influence began to admit the possibility of the sale of a share, and this principle, once introduced, worked in England, as it had on the continent, to transform a group of kinsmen into a group of neighbors. The villages of later settlement, on the other hand, retained their rights in the common lands of the elder communities. By this fact we are enabled to account for the village marks (inter-commoning villages) which meet us toward the close of the Anglo-Saxon period.

The great proprietary estates seem to have grown slowly. The documents of the seventh, eighth, and ninth centuries give rather the impression that small holdings of from twelve to twenty-four *manentes* were the rule. By a consolidation of these the great estate was formed. The *geneats*, free members of a free community, formed the majority of the population; at the other extreme stood the *geburs* bound to the soil. Between the two were the

¹ This is scarcely less than fantastic as far as the hynde men are concerned. These terms refer either to status as determined by wergeld, or to one's ability to produce a complement of kinsmen as oath-helpers. See Schmid, Gloss.: Seebohm, *Tribal Custom in Anglo-Saxon Law*, 409 ff.

cotsetlas, personally free indeed and having house and curtilage, but without a share in the open field, answering in many ways to the *hospes* of the Frankish estate. The depression of this free population was accomplished in England, as on the continent, by the consolidation of great estates, the failure of the central government, and the conversion of public into private law relations.¹

Professor Kovalevsky's system is not of course final, but it commends itself by two striking advantages. The first of these is a broad reasonable hypothesis, freed from the preoccupations of the Romanist and Germanist alike, and *prima facie* very probable. The second is the temperate application of the comparative method, by means of which conditions in Anglo-Saxon England are brought into relation and compared with those obtaining at the same time in other parts of the Western Empire in which Germanic peoples had settled.

GAILLARD THOMAS LAPSLEY.

¹ All this has been and still is the subject of dispute. The word *geneat*, for example, has been regarded as the equivalent of *ceorl* and *gebur*, as a general term for *gebur* and *cotsetla* alike, and as denoting a specific form of tenure. See Seebohm, *Village Community*, 137-142; Allen, *Essays and Monographs*, 240-256; Andrews, *Old English Manor*, 145 ff.; Maitland, *Domesday Book and Beyond*, 59, 327.

AMERICAN BUSINESS CORPORATIONS BEFORE 1786

THE title of this article requires a definition of the terms employed. The subject must necessarily be examined from a statistical standpoint, and statistics are of little value unless the basis upon which they are made up is stated with some precision. The phrase "business corporation" will be employed to denote only corporations formed primarily to promote business enterprises, either by the investment of money as a productive capital, or by encouraging and facilitating such investments on the part of others. The term "American" is used in accordance with its conventional acceptance in this country, as restricted to what pertains to territory included within the limits of the United States.

The year 1789 has, of course, been selected as the close of the period to be considered because from that time on the country came under the influence of new social and political conditions. It was a year marked by two events as one of the great dates of world-history. The States General of France were convoked, after a slumber of a century and a half, to begin for Europe the work of pulling down the ancient forms of centralized authority. The first Congress of the United States at the same time was assembled at New York—a Congress which also exercised the functions of a constitutional convention—to begin for the United States the work of building up a new form of centralized authority, that of a strong central government with a narrow field, side by side with many strong local governments, each with a wide field. For Americans, 1789 is the year when a uniform continental system of political administration was first set up with powers adequate for the due protection of rights of person and property.¹

During the colonial era all large business enterprises had been checked by our dependence on a country whose commercial interests were thought to be antagonistic to our own. The first years of our political independence had been spent in making independence secure. Then came as many more, darkened and confused by differences and rivalries between the states. Not until the new government under our present Constitution came into active operation in the spring of 1789 was a fair field open for the permanent

¹ See John Marshall's observations on this point in his *Life of Washington*, V. 87.

investment of capital in large operations with such an assurance of safety as could command general public confidence.

There is but one mode in which such operations can be conducted with lasting success. It is through some form of corporate organization. There must be a franchise from the state. A business corporation consists of one or more persons authorized by law to use the name and to trade at the risk of another person. This other person is an artificial one, into whose hands is placed the precise amount of money which those who compose it are inclined to put at hazard. If it uses its talent well and makes a profit, they share it among themselves. If it proves an unprofitable servant and cannot pay its debts, they lose, under the principles of the common law, only their original investment, and its creditors lose the rest. Nor is this unjust, for the creditor knew from the first that this artificial person could bind no one but itself.

The joint-stock association, not unfamiliar in our colonial history, such as the Massachusetts land-banks, traded under a company name, but it was not the name of another person. It was not the name of any person, natural or artificial.

The statistics upon which this article is based are mainly derived from one of the recent series of "Yale Bicentennial Publications,"¹ and they show that it was but a small part that the business corporation played in our industrial life before the adoption of the Constitution of the United States.

During the days of colonial government there were in all but six of these of strictly American origin or character. They came in this order: (1) The New York Company "for Settling a Fishery in these parts," 1675; (2) The Free Society of Traders, in Pennsylvania, 1682; (3) The New London Society United for Trade and Commerce, in Connecticut, 1732; (4) The Union Wharf Company in New Haven, 1760; (5) The Philadelphia Contributionship for the insuring of Houses from Loss by Fire, 1768; (6) The Proprietors of Boston Pier, or the Long Wharf in the Town of Boston in New England, 1772.

A corporate character has sometimes been attributed to certain associations of the kind to which reference has been made, formed under a company name for business purposes in the seventeenth century. There seems, however, to be no sufficient evidence that any of these were more than great commercial partnerships. There can be no incorporation without authority from the sovereign power or from some one entrusted by the sovereign power with the right to grant such authority in its behalf. There can be no business

¹ *Two Centuries of Growth of American Law*, 296-311.

corporation, in the ordinary and proper sense of that term, without a voluntary acceptance of corporate privileges so granted for business purposes.¹

In the foregoing list of colonial charters none has been included that was granted directly by the home government. That of the Massachusetts Bay Company, out of which soon grew the colony and province of Massachusetts, was an example of one type of these; the monopolistic charters of the Hudson's Bay Company and the Ohio Company, of another.

At the opening of the eighteenth century there were in England but three joint-stock companies under full charters for purposes of foreign commerce.² America claimed one — the Hudson's Bay Company. This had a crown charter from Charles II., confirmed for seven years by act of Parliament in 1690.³ The Ohio Company, composed partly of Englishmen and partly of Virginians, was chartered in 1749 to promote a land speculation, and the Virginia assembly was compelled by the home government to make it a grant of 600,000 acres.⁴ The Susquehanna Company, formed about the same time (1743), which made the settlement at Wyoming out of which grew the short-lived county of Westmoreland in Connecticut, had no charter,⁵ although they sought one from the Crown, and with the full consent and approval of the Connecticut legislature.⁶ Like almost all the land companies of the eighteenth century, it was a mere partnership.⁷ Some of these had nearly a thousand members; others, only two or three.⁸

There were numerous instances of the incorporation or quasi-incorporation of proprietors of lands by the colonies, for the purpose of improving their property by concerted effort. The earliest of these occurred in Massachusetts in 1652, when thirteen owners of land upon Conduit Street in Boston were incorporated (though with no company name) to enable them to supply houses on that street with water. Each had an equal share in the undertaking, which was successfully prosecuted.⁹ Many quasi-corporations of

¹ *Op. cit.*, 268-272.

² Anderson, *Hist. of Commerce*, II. 598. Another American charter had been granted in 1692 for "The Company of Merchants of London Trading to Greenland," but little was ever done under it.

³ Winsor, *Narr. and Critical Hist. of America*, VIII. 5, 9.

⁴ Winsor, *op. cit.*, V. 570; Hildreth, *Hist. of the U. S.*, II. 433.

⁵ *The Susquehanna Title Stated and Examined*, 33-35.

⁶ *Col. Rec. of Conn.*, X. 378.

⁷ See Abraham Bishop, *Georgia Speculation Unveiled*, 43.

⁸ *Documents accompanying the Report of the Commissioners on the Georgia Mississippi Territory*, 1803, 29, 43.

⁹ Davis, "Corporations in the Days of the Colony," *Publications of the Colonial Society of Mass.*, Vol. I.

more importance were subsequently formed in other colonies to promote the drainage of low lands.

Several "marine" societies were also incorporated in the interest of navigation, the main object of which was to bring seamen together in a friendly way for mutual aid and assistance in case of need. These I have regarded as social rather than business corporations. The province of Massachusetts incorporated three such.¹ The first of these acts directed the governor to issue a charter under the seal of the province. He had doubts as to his power to do this, and the question was ultimately referred to the official solicitor or counsel of the Lords Commissioners for Trade and Plantations, Richard Jackson. His opinion, given in 1774, was that as both the colonial and the provincial charters conferred full powers of legislation, this included a power to incorporate.² Mr. Jackson was a dissenter, owned lands in New England, had been the colonial agent of Connecticut, and had recently received the degree of Doctor of Laws from Yale College, a corporation chartered by that colony.³ The point in dispute could hardly have been submitted to one whom circumstances would more naturally dispose to a favorable judgment. A very different opinion had been announced by the crown lawyers in the preceding century, when the incorporation of Harvard College was set up as one of the grounds for vacating the Massachusetts charter.

Of the six colonial incorporations in the list which has been given, two belong to the seventeenth and four to the eighteenth century. The first, dating back to 1675, a New York fishing company, was chartered by the governor and council of New York, acting for the Duke of York under the liberal terms⁴ of his patent of 1664. The capital stock was divided into shares of the par value of ten pounds.⁵ This was under the administration of Governor Andros. Governor Dongan, in 1684, was authorized to promote the formation of another to engage in the eastern fisheries at Pemaquid, and, as he subscribed £100 in the name of the Duke to the capital stock of such a company, there being other subscriptions to the amount of £2,400 more, it is probable that a charter of incorporation was granted, but it does not appear that any organization was ever effected.⁶

¹ In Boston, Salem, and Marblehead.

² *Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, III. 708; V. 191, 288.

³ *Literary Diary of Ezra Stiles*, I. 315, 412; III. 266.

⁴ *Docs. Relating to the Colonial Hist. of N. Y.*, II. 296.

⁵ *Ibid.*, III. 234.

⁶ *Ibid.*, 349, 355.

The Free Society of Traders in Pennsylvania was chartered by Governor Penn soon after he had obtained his patent, and it received extraordinary privileges. It was in furtherance of a scheme for a land as well as a trading speculation, and the corporation was invested with the lordship of the manor of Frank, and the right to have three representatives in the provincial council or assembly.¹

The subscription agreement was drawn up in March, 1682, in London, where the patent, or grant of incorporation, had been issued,² and the first officers were elected there;³ but it was to be distinctively an American company,⁴ with its seat at the capital of Pennsylvania, where all its meetings after the first were forever to be held. A capital stock of £5,400 was subscribed under date of April 26, 1682.⁵ At all meetings, subscribers for £50 were to have one vote, those for £100, two votes, and those for £300 or over, three votes; provided that no one could cast over one vote unless he resided in Pennsylvania or owned 1,000 acres of inhabited land there. The articles of association under the patent provided that the first general assembly held in Pennsylvania should be asked to ratify it. Of that assembly, which met in December, 1682, Dr. Nicholas More, the first president of the society, was chosen speaker,⁶ but it does not appear from its records that any application was made either then or later for any such legislation.⁷ The society had evidently settled on a different course. Governor Penn had made large sales of lands in his new province early in 1682. After the society had been incorporated and shortly after the grant of the charter of April 25, 1682, the leading purchasers of these lands had met in London (May 5, 1682) and with Penn's consent had adopted certain provincial "Laws." One of the articles (Art. XXXI.) expressly ratified the charter of the society. Another provided that none of these laws should ever be altered except by the concurrence of the governor and six-sevenths "of the freemen

¹ *Two Centuries of Growth of American Law*, 305; see also *Colonial and Provincial Laws of Pa.*, 473; *Pa. Stat. at Large*, ed. 1899, III. 345; *Col. Rec. of Pa.*, II. 154; III. 158.

² *Minutes of the Provincial Council of Pa.*, I. 40 (Art. 31); Hazard, *Register of Pa.*, I. 396.

³ May 29, 1682.

⁴ It styled itself the Free Society of Traders in Pennsylvania (Winsor, *Narr. and Critical Hist. of America*, III. 498).

⁵ *Pa. Magazine of History and Biography*, V. 37; XI. 175.

⁶ *Collections of Hist. Soc. of Pa.*, I. 196; Winsor, *Narr. and Critical Hist. of America*, III. 485.

⁷ The records of the early assemblies are incomplete. *Votes of Assembly*, I. 60, Appendix xiv.

met in Provincial Council and General Assembly."¹ After this the Free Society was free of the assembly.

On the last day of the first session of that body a debate arose "touching the Power of the Society of Traders in Philadelphia," which resulted in the appointment of two members of the assembly to confer with the governor as to Article XXXI.,² but nothing came of the attack. His eldest son and many of his friends were large stock-holders; the society itself had bought 20,000 acres of land from him;³ and the money which it proposed to invest in the new settlement made it a valuable auxiliary in the development of his commercial plans. Like most trading companies, its promise was greater than its performance. A letter from James Claypoole, its first treasurer, written from London to his brother, July 14, 1682, speaks with great confidence of its flattering prospects and assures him that he can safely recommend its shares as an investment. "We could very well," he writes, "employ 20,000 pounds. . . . It may come to be a famous company."⁴ A great trade with the natives was anticipated, and this letter refers to a missive to be dispatched by order of the society by a special messenger, bearing suitable presents, to the "Emperour of Canada." This document had been already prepared. It was written on parchment, under the seal of the society and the hand of the president at London, June 19, 1682, and begins thus:

Friend. I have sent you this Letter and Messenger to let you know that I am elected President of the Free Society of Traders of Pennsylvania and, as I am such, have the Power and Free Consent of all these good men to treat with you, your Kings, and your people in all things pertaining to Trade.⁵

The society secured 400 acres of land within the city liberties of Philadelphia. Part of this ran from river to river, fronting on a street near where Pine Street now is.⁶ It set up, in 1683, a tannery and a grist-mill, and in 1684 a saw-mill and a glass factory.⁷ No manorial rights were ever exercised,⁸ and the provincial charter

¹ Poore's *Charters and Constitutions*, II. 1526; *Votes of Assembly*, I. xxxv. The assembly, however, did reenact at least one of these laws, which were styled in its records the "printed constitutions" in contradistinction from certain proposed laws styled "written constitutions." *Ibid.*, 5.

² *Votes of Assembly*, I. 4.

³ *Pa. Archives*, I. 44.

⁴ Manuscript letter-book of James Claypoole in library of Hist. Society of Pa. It was begun in London and finished in Philadelphia.

⁵ Hazard, *Register of Pa.*, I. 394, 397.

⁶ Proud, *Hist of Pa.*, I. 191, 246, 264; Lewis, *Essay on Original Land Titles in Phila.*, 109, 118, 170.

⁷ Letter-book of Claypoole, May 29, 1684.

⁸ Lewis, *op. cit.*, 220, 224.

of April 25, 1682, made no provision for representation of the society in the provincial council. The first session of that body was held on March 10, 1683, and it is significant that at the next, two days later, "Nicholas Moore, President to the Society of Free Traders in this province," was brought before it on a charge of having said in a public house that at the first meeting the council had broken the charter and might be impeached for treason.¹ He denied having said quite this, but evidently had come dangerously near it, and it is not improbable that one of the causes of his remarks was dissatisfaction at the manner in which the charter of the society had been disregarded in that of the province and in the actual composition of the council.

What of its capital stock did not go into land was invested in cargoes of English goods. They were sold at a great profit, but on trust. The purchasers failed to pay, and on May 29, 1684, the treasurer of the society (who was a Quaker and opposed to lawsuits) wrote, "we have neither credit nor money, and now must sue people at law or be forced to loose all." "I am so weary," he adds, "of the Society's business that I will get clear as soon as I can."²

In a few years the society went practically out of business, except as an owner of real estate. There were no dividends, and some of the English shareholders applied in August, 1704, to the provincial council for an order that the managing officers render an account. It seems to have been difficult to discover who these were, for the council "ordered that Benjamin Chambers, said to be late President of the said Society,"³ produce its books. A letter of Penn, written in February, 1705/6, refers to the society in a way which indicates that it had been used by his steward, Philip Ford, who was one of its original promoters, as one of his instruments for bringing the governor into his debt.⁴ We hear no more of its doings until 1721, when a bill was passed by the provincial assembly to wind up its affairs and distribute among its shareholders what might remain. The governor, Sir William Keith, refused his assent on the ground that the proceeding was an irregular and *ex parte* one. Subsequently, on March 2, 1722/3, it was reenacted with certain amendments suggested by him, and trustees were appointed, who sold out its property and distributed the proceeds.⁵ So passed

¹ *Minutes of the Provincial Council*, I. 58.

² Manuscript letter-book of James Claypoole.

³ *Col. Records of Pa.*, II. 153.

⁴ *Memoirs of the Hist. Soc. of Pa.*, X. 108.

⁵ *Votes of Assembly*, II. 290, 294, 361; *Colonial Records of Pa.*, III. 138; Shepard, *History of the Proprietary Government of Pa.*, 45; Scharf and Westcott, *Hist. of Phila.*, I. 202.

out of existence, after a struggle of forty years against adverse circumstances, the most important of the colonial incorporations.

Nine years later came the first New England charter, that of the New London Society United for Trade and Commerce. The history of the Pennsylvania company has been sketched at length because that task, it is believed, has not been attempted before. That of the brief but meteoric career of the Connecticut company, which was soon turned by its promoters into a land-bank, may be dismissed with a word, for it has been often told,¹ and fills a large place in the colonial records. It was the first purely trading company chartered in any colony,² and the last. Not even a joint-stock association for business purposes of more than six persons, the shares in which were transferable, could be formed here after 1741, when the Bubble Act of 1720 was extended over the American colonies by act of Parliament.³

The charter for the Union Wharf in New Haven, granted in 1760,⁴ was for the encouragement of what was really a matter of public enterprise. New Haven had a shallow harbor. A long wharf was indispensable for the development of its trade. A few public-spirited citizens had begun the work, but death had lessened their number, and the heirs of those who had passed away took little interest in the project. To give permanence to the undertaking and enable the majority of the owners to enforce proper repairs a charter seemed necessary, and it proved effectual.⁵

The Pennsylvania insurance charter of 1768⁶ was the outcome of a scheme primarily designed to secure householders against risk by fire, rather than to open an avenue for profit on invested capital. It gave corporate form to what for sixteen years had been in existence as a voluntary association for mutual protection. The original plan was to issue seven-year policies on deposit of a gross premium. The interest on this belonged to the company: the principal remained the property of the depositor, subject only to the risks of the business. At the end of the seven years' term, the proportion of the losses and expenses of the company which this

¹ Caulkins, *Hist. of New London*, 242; Bronson, *Hist. of Continental Currency*, etc., in *Papers New Haven Colony Hist. Society*, I. Part II., 42; Baldwin, *Modern Political Institutions*, 185; Davis, *Currency and Banking in the Province of Mass. Bay*, Publications of the Am. Economic Association, 3d Series, Vol. II. Part II., 102 (much the fullest account).

² *Col. Rec. of Conn.*, VII. 421.

³ See *Publications of the Col. Soc. of Mass.*, III. 27.

⁴ *Col. Rec. of Conn.*, XI. 400

⁵ Trowbridge, *History of Long Wharf in New Haven*, in *Papers of the New Haven Col. Hist. Soc.*, I. 83.

⁶ *Laws of Pa.*, Smith and Reed's ed., I. 279.

deposit ought equitably to bear was determined, and a new start made on the basis of this account. Each depositor was liable to his fellow-members for losses to the amount of his deposit and half as much more. As policies were issued only to members, this limitation of his personal loss could be effectually made. In fact, it was a kind of private club. The members held monthly meetings, and if any one failed to attend he was fined for his absence, the fines thus received being applied to setting up mile-stones on the roads leading into the city.¹ Like so many of the new things of his day, this company was set on foot by Dr. Franklin, who headed the original list of its board of directors. It is still one of the active business corporations of Philadelphia, and among the most important, having accumulated assets of the value of about five millions, and carrying risks of a proportionate amount. In its first year the total insurance effected was only about \$108,000, and the sums deposited for premiums amounted to \$1,291.² It has been treated in this paper as a business corporation because it grew to be one in common course by natural development. For a long period it allowed its surplus assets to accumulate, and it was made a question whether it could do otherwise. This question was finally brought, in 1895, before the courts, and it was decided that dividends could be lawfully declared in favor of the members, if the directors saw fit.³ Since that time it has been in every sense a business concern.

The last charter in our list, that of The Proprietors of Boston Pier, or the Long Wharf in the Town of Boston in New England, granted in 1772,⁴ was justified by a condition of things similar to that at New Haven, and proved equally efficacious in securing the end in view.

Pennsylvania also chartered in 1759 what was in effect a life-insurance company for a limited class, styled the Corporation for the Relief of Poor and Distressed Presbyterian Ministers, and of the Poor and Distressed Widows and Children of Presbyterian Ministers. This is still in existence and has done a useful work. Its main design, however, being charitable, it has not been included in the list of colonial incorporations.

Nor does the New York Chamber of Commerce appear there, for though it may fairly be regarded as a business corporation it is not unquestionably of colonial origin. Those who associated to

¹ Bolles, *Industrial History of the United States*, 823.

² Scharf and Westcott, *History of Philadelphia*, III. 2114.

³ *McKean v. Biddle*, 181 *Pa. State Reports*, 361.

⁴ *Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, V. 200, 262, 288.

constitute it received on March 13, 1770, a patent running in the name of the Crown, though under the seal not of the realm but of the colony of New York. The grant having this form and being made, as it recites, "for the laudable purpose of promoting the trade and commerce of our said Province," at a time when the trade relations of Americans with the mother-country were greatly strained, and the public had been thinking of boycotting English importations more than of increasing them, was made the subject of a confirming act by the legislature of New York in 1784.¹ There was then no Dartmouth College case² to settle the doctrine that a charter from the Crown, whether directly or through a provincial governor, was as good after the Revolution as it was before. The chamber, therefore, rightly claims 1770 as the real date of its incorporation, which makes it the oldest in any English-speaking land. That of Glasgow comes next, in 1783, and then that of Edinburgh in 1785. The London Chamber was founded only twenty years ago.

It was not until near the close of the War of the Revolution that the first business corporation owing its franchise purely to American sovereignty came into existence. The country was driven to it by hard necessity. The summer of 1780 found the army without rations, and the Continental currency sunk to a value of hardly two cents on the dollar.³ As a temporary expedient, a voluntary association of capitalists was formed at Philadelphia to establish a private bank to aid the credit of the United States, and £300,000 in Pennsylvania currency was subscribed for this purpose.⁴ The bank was found useful,⁵ and on May 26, 1781, soon after the ratification of the first Constitution of the United States, Congress voted to grant a charter for a "national bank" on a plan proposed by Robert Morris, as soon as a capital of \$400,000 should be subscribed, payable in hard money. The par value of each share was \$400. By the close of the year \$70,000 was so subscribed, and those who had made advances to the government through the voluntary association of the year before were ready to take the rest as soon as repaid by the United States. This payment Congress found it difficult to make, and at last Morris, now the Continental Superintendent of Finance, proposed that he in behalf of the United States should subscribe for the balance not yet taken. This

¹ *Laws of New York*, ed. of 1792, I. 80, chap. XXX.

² *Dartmouth College v. Woodward*, 4 Wheaton's *Reports*, 518.

³ Sumner, *Life of Robert Morris*, 41.

⁴ *Ibid.*, 79.

⁵ *Journals of Congress*, VI. 66, 126, June 21, 22, Sept. 15, 1780; VII. 8, Jan. 4 1781.

suggestion was adopted. He subscribed in this way for about a quarter of a million of the stock, all of which, within the next two years, was disposed of to private individuals.¹ It was upon this basis that Congress, on December 31, 1781, treated the subscriptions as full, and "The President, Directors and Company of the Bank of North America" were finally incorporated. The capital could be increased at the pleasure of the directors to any amount not exceeding \$10,000,000. The bank's notes were to be receivable for public dues, state and federal, and Congress recommended to each state the enactment of a law that no other bank or bankers should be established or permitted to do business within its limits during the continuance of the war.²

It proved a profitable as well as a patriotic enterprise. Almost immediately it began to make dividends of 13 and 14 per cent. a year, and under an ancillary charter obtained from Pennsylvania in 1787 it still exists, with a capital of \$1,000,000, and a surplus of nearly twice that sum.³ In 1782, such ancillary charters, with the monopoly provision recommended by Congress, were granted by Massachusetts, New York, and Pennsylvania. That from Pennsylvania was repealed in 1785 but reenacted two years later. Meanwhile, in 1786, the bank had obtained incorporation from Delaware.

This action of Pennsylvania in 1785 was dictated by a jealousy of corporations formed for private profit, which was characteristic of both English and American sentiment down to the early part of the nineteenth century and was not dissipated in either country until free incorporation began to be offered on equal terms to all, by general laws to that effect.

The long colonial era, then, brought forth but six American business corporations. The thirteen years of sovereign statehood under the Confederation produced twenty, and the Confederation itself gave birth to one. But during the eleven years that remained of the eighteenth century just two hundred more came into existence, the United States here again incorporating one—the first Bank of the United States, greatest of all, *unum sed leonem*.

The first of the state charters for an independent enterprise of real magnitude was given by Massachusetts. By reincorporating the Bank of North America she had confirmed its monopoly of the banking business within her limits during the Revolutionary War.

¹ *Works of James Wilson*, ed. of 1896, I. 552; *Sound Currency Tracts*: L. Carroll Root, *The First United States Bank*, 3.

² *Journals of Congress*, VII. 87, 197, May 26, Dec. 31, 1781.

³ Sumner, *Life of Robert Morris*, 102; *Hist. of Am. Currency*, 50. A monograph was issued by the bank at the close of its first century of existence, giving a history of its origin and growth.

As soon as she was freed from this obligation by the treaty of peace, she chartered (in 1784) the Massachusetts Bank of Boston. Its original capital was \$300,000, the par value of each share being \$100. Although without any express authority to that effect, it began at once to issue circulating bills. Eighty years later it became a national banking association, as which it still exists. It is worth noting that during its long life as a state bank it issued and redeemed bills to an aggregate amount of over four and a half millions of dollars, and that one half of one per cent. of the total issue were never presented for redemption.¹

One mining company was incorporated in the same year in Connecticut, to work the beds of iron ore in Litchfield county. Pennsylvania chartered the Agricultural Society of Philadelphia in 1785. Washington wrote of this charter to James Warren²: "The Agricultural Society lately established in Philadelphia promises extensive usefulness, if its objects are prosecuted with spirit. I wish most sincerely that every State in the Union would institute similar ones." A mutual insurance company was also chartered in the same city in 1786. This had been organized two years previously as a voluntary association, and for a singular cause. The house of a member of the "Philadelphia Contributionship" society had taken fire in 1783 from a burning shade-tree. That society thereupon refused to take any new risks on houses surrounded with shade-trees, except at an extraordinary rate of premium. The new company was formed by those favoring a more liberal policy, and took a green tree for its corporate symbol.³ Of the remaining corporations, one was the New York Chamber of Commerce, already described; another was the Associated Manufacturing Iron Company, chartered by the same state in 1786;⁴ three were formed for building bridges, and eleven for the improvement of navigation by deepening river channels or constructing canals.

Of the eleven navigation improvement companies two were really one. The Potowmac Company received similar charters from both Virginia and Maryland in 1784, and was the first of the interstate commercial corporations since so common. It grew out of a voluntary organization for the same general purposes, known as the Potomac Company, or the Potomac Canal Company, which had

¹ Sound Currency Tracts: Carroll Root, *New England Currency*, 3.

² Oct. 7, 1785. *Writings of Washington*, Sparks's ed., IX. 139, 141.

³ Bolles, *Industrial History of the United States*, 824.

⁴ *Harvard Law Review*, II. 165. Paper by Samuel Williston on "The Law of Business Corporations before 1800."

been in existence since 1762,¹ but had accomplished comparatively little. Washington had been one of the chief promoters until called to the command of the Continental army. Soon after the close of the Revolution he made known his opinion that Maryland and Virginia must unite in creating a corporation for this purpose, unless they made it a public undertaking. He urged upon the attention of the governor of each of these states the necessity for such charters, and put in a strong light the improvements in the navigation of the Potomac that were possible and the great benefits that would result to the whole country from them. "The Western States," he wrote to Governor Harrison of Virginia on October 10, 1784, "stand as it were upon a pivot. The touch of a feather would turn them any way." If the trade of the interior was to flow through the Great Lakes to the St. Lawrence, it would be to benefit Canada: if it followed the Mississippi, it would be to benefit Spain. Improve their connections with the Atlantic states, and the country would be bound together by fresh ties.² The term "Western States" was used in this letter, no doubt, to describe the new "distinct states," ten in number, into which Congress in the preceding April had resolved to divide the western territory of the United States.³ The word "territory" had not then been adopted as a designation of a political community.

Washington's business judgment was always sound, and he was quick to see a business opening. During this same year he was engaged in negotiations for the purchase, in company with Governor George Clinton, of what he termed "the mineral spring at Saratoga," but one of any importance (what is now the High Rock spring) being then known to exist.⁴ He was also looking carefully into the merits of James Rumsey's plan and model for a boat which could ascend a river by the aid of the water itself, and he called it to Governor Harrison's attention in the letter from which a quotation has been made, as bearing upon the prospects of the proposed canal. "I consider," he wrote, "Rumsey's discovery for working boats against the stream, by mechanical powers principally, as not only a very fortunate invention for these States in general, but as one of those circumstances which have combined to render the present time favorable above all others for fixing, if we are disposed to avail ourselves of them, a large portion of the trade of the Western country in the bosom of this

¹ Pickell, *Hist. of the Potomac Co.*, 44, 64.

² Marshall, *Life of Washington*, V. 12-18; *Writings of Washington*, Sparks's ed., IX. 31, 58, 65, 112, 115.

³ *Journals of Congress*, IX. 153, April 23, 1784.

⁴ *Writings of Washington*, Sparks's ed., IX. 68, 70.

State irrevocably."¹ Harrison laid this letter before the Virginia assembly, and it resulted in a request from that body, after the enactment of the Virginia charter, that Washington and General Gates, as its representatives, would go to Annapolis and endeavor to secure one similar in form from Maryland. They at once proceeded on their embassy, and with entire success.²

The creation of the Potowmac Company by the concurrent action of different states marked a distinct advance in the progress of political science. Never before in the history of the world had two distinct sovereignties united in such a step. Here were the same individuals sustaining similar political relations to different governments, constituted in each an artificial person, dealing under one name with property in each, and amenable in each to the supervision of its authorities. The way in this direction had been opened by the incorporation of the Bank of North America two years before by Pennsylvania and New York, but that was a recognition or affirmation of its Continental franchise rather than an attempt to constitute *ab ovo* a consolidated corporation.

The charter of the Potowmac Company was followed, in 1785, by that of "The Corporation for the Relief of the Widows and Children of Clergymen in the Communion of the Church of England in America," granted in substantially identical terms by New York, New Jersey, and Pennsylvania.³ This experiment, in the outcome, proved less satisfactory. While of the nature of a life-insurance company, it served also and primarily a charitable purpose, and there were too many occasions in the administration of its affairs for the clashing of local interests. In 1797 it was divided up into three corporations, one chartered by each of the three states concerned.

As to another of the Virginia corporations of this period, however, the plan of interstate incorporation was again tried, and with better results. This was the Dismal Swamp Canal Company,⁴ which Virginia incorporated in 1787 and North Carolina in 1790.

It will be observed that the latter date belongs to the period following the adoption of our present national Constitution. The provision in that instrument (Art. I., §10) that no state shall without the consent of Congress enter into any agreement or compact with another state was thought by many to forbid the formation of any

¹ *Ibid.*, 58, 68, 104.

² *Writings of Washington*, Sparks's ed., IX. 82, 91.

³ The same organization had held a patent of incorporation from the proprietaries of Pennsylvania since Feb. 7, 1769. Bolles, *Industrial History of the United States*, 837.

⁴ I am informed by Dr. Kemp P. Battle that Washington was a stock-holder and that it constructed a canal which proved profitable.

corporation by the concurrent legislation of different states. To this may be attributed the rarity of such charters until within the last quarter of a century, when it was settled by judicial decisions that the constitutional prohibition referred only to agreements or compacts of such a nature as to change the political relations of one state to another or to the United States.¹

It is easy to see why the American colonies created so few business corporations. It is, at least, doubtful whether the colonial assemblies had a right to create any. The patentees under the earliest grants, so far as they had the power, had little inducement to use it. No trading charter in those days was thought worth having unless it carried a monopoly,² and patentees who had secured a general monopoly for themselves within a certain territory were naturally indisposed to share it with others.

The causes for the paucity of state charters between 1776 and 1789 are not to be so readily assigned. It was not for want of money to invest. There were before the Revolution and throughout the Revolution large fortunes held by Americans. Others were accumulated because of the Revolution, and some of them from government contracts for supplies and munitions of war, in the execution of which considerable capital was required, and which involved heavy personal risks, against which a corporate franchise would have been a convenient shield. Nor are corporations especially the agents of the rich. It is the man with five hundred or a thousand dollars to invest to whom they are the greatest boon. Before the Revolution such a person had been apt to put his money into a share in a ship or a share in a land company. During the Revolution and for many years after its close, he did the same. In the roll of twenty shareholders in the Georgia Company of 1795, which made the famous Yazoo purchase, but one man, James Wilson, appears as a subscriber of over £2,000, and two put in £200 or less.³ Both the small and the large capitalist would have been glad to make his investment under the protection of a charter, but neither wished a charter that did not protect.

The commercial policy of each of the new states was at the outset a narrow and selfish one. This was a natural outgrowth of colonial conditions. The tendency of legislation as to matters of intercolonial interest had been, and as to those of interstate interest was, towards what was unfriendly. The prevalent note was

¹ *Baltimore and Ohio R. R. Co. v. Harris*, 12 Wallace's Reports, 65, 82; *Virginia v. Tennessee*, 148 United States Reports, 503, 519.

² See Adam Smith, *Wealth of Nations*, III., Book v., chap. I., 145, 146.

³ *Documents accompanying the Report of the Commissioners on the Georgia Mississippi Territory*, 1803, 37.

retaliation rather than reciprocity. All this gave little assurance that a franchise from one state would be respected in another. The Articles of Confederation, when they were framed, provided (Art. IV., § 1) that the people of each state should have free egress to and from any other state and enjoy therein all the privileges of trade and commerce, subject to no other restrictions than those imposed upon its own inhabitants. This gave no rights to corporations. Indeed, it was probably worded with a view, in part, of preventing any which might be created with exclusive trading privileges from claiming them to the prejudice of citizens of other states. It was this state of things, no doubt, which influenced Madison's twice-repeated proposition in the Constitutional Convention of 1787 to confer on Congress the power "to grant charters of corporations in cases where the public good may require them, and the authority of a single state may be incompetent." Pinckney desired to go further and give a general power to this effect without limitations. The discussion which followed in the Convention went to the bed-rock of the whole matter. Madison stated that his primary object was to secure the easy communication between the states which the free intercourse now to be opened seemed to call for. Political obstacles had been removed; natural ones should be. Wilson urged the importance of canals to connect the east and the west. Rufus King declared that the states would be prejudiced and divided by the grant of any such power. It might be used to set up banks or create monopolies. At Mason's instance, the proposition was confined to granting power to charter canal companies, and it was then defeated by eight states to three.¹

In ratifying the Constitution, four states (Massachusetts, New Hampshire, North Carolina, and Rhode Island) recommended that it be amended by a provision that Congress should erect no company (or no company of merchants) "with exclusive advantages of commerce," and New York asked for a further prohibition of all grants of monopolies.² Attempts to carry such measures were made in the first Congress, and renewed in 1793, but without success.³ It was in the apprehension that these proposals indicated where, in truth, lay the great barrier of all to the multiplication of business corporations under the political conditions then existing. The people, as has been already said, were afraid of them. As they reviewed their history in England, they saw that a monopoly

¹ Madison's *Journal*, Scott's ed., 549, 550, 725, 726. Cf. Hamilton's opinion on the constitutionality of a United States bank, *Works*, IV. 116, 134.

² *Journals of Congress*, 13, 167, 172, 182, 189; Elliot's *Debates*, I. 336.

³ *Report of Am. Hist. Ass'n for 1896*, Pt. II., 253.

had walked in the shadow of each. They were in their very nature embodiments of special privileges.

In 1784 the leaders of each of the great parties, which were already forming, were before the New York legislature with petitions for bank charters. Chancellor Livingston sought one for a land-bank; Hamilton another for one of discount and deposit.¹ We may be sure that political influence was not wanting to back these petitions. Log-rolling was not then unknown. Both, however, were rejected, and although Hamilton and his associates had gone so far that they proceeded to set up business as a voluntary association by the name of the Bank of New York, no charter could be got for it until 1791.

The public jealousy of corporations against which Hamilton and Livingston could avail nothing in New York was felt, though not everywhere with equal force, throughout the Union. There was but one thing that could effectually remove it. That was to remove the cause. To deprive the corporate franchise of the character of a special privilege and make its possession free to all — this was to be the next great step in the evolution of American combinations of capital for business purposes. North Carolina had been one of the sturdiest upholders of the rights of the people. She had unwillingly acceded to the establishment of a national government. She had failed to convince Congress that it ought to ask the people to forbid it to grant monopolies. In 1795 she struck out into a new field for herself and gave the modern world an object-lesson in political science. For the first time since the beginnings of the Roman Empire,² a sovereign state offered incorporation for business purposes to any who desired it, freely and on equal terms. As became a government venturing on so novel an experiment, she confined her offer to a single class of business enterprises — the construction of canals; but she gave a generous franchise, including the right of eminent domain, providing only that the works should become public property whenever the shareholders should have received their capital with interest at six per cent.³ The example thus set was soon imitated by other states, and the vast number of business corporations formed under general laws that the nineteenth century brought forth to change the face of the United States witnesses the wisdom of making freedom of incorporation one of our fundamental political institutions.

SIMEON E. BALDWIN.

¹ *Works of Hamilton*, I. 414.

² Up to 1795 general incorporation laws had been restricted to the formation of charitable, religious, or literary corporations. Baldwin, *Modern Political Institutions*, 148, 174, 193, 194.

³ *Laws of North Carolina*, ed. 1821, I. 769.

AMERICAN CONSTITUTIONAL PRECEDENTS IN THE FRENCH NATIONAL ASSEMBLY

It is hazardous to attempt the genealogy of political ideas or systems, for they often seem to spring into being simultaneously among different peoples. Even where it is possible to trace a distinct influence, this is only one of many causes which have contributed to the result. And yet such influences are always worth study, particularly when they are made interesting by the sentiment with which popular tradition clothes them. While it would argue an undiscerning ambition to endeavor to measure the part American constitutional principles had in the French Revolution,¹ it is nevertheless instructive to observe their influence upon certain decisions of the National Assembly, chiefly those concerning a declaration of rights, the grant of a veto to the king, and the organization of the legislature.

The spectacle of the colonial farmers in arms against their king and organizing self-governing communities first appealed to intelligent Frenchmen because it seemed to offer so many illustrations of their new theories of man, of society, and of government. It undoubtedly still further loosened the supports of the already weakened monarchy. Arthur Young noted in his diary, October 17, 1787, the presence among all ranks of a "strong leaven of liberty, increasing every hour since the American Revolution."² But an influence of this sort is indefinite and not to be described in terms of actual constitutional changes.

Long before the Revolution began many Frenchmen had carefully studied the constitutions of the new American states. The earliest collected translations of these documents appeared in 1778, and contained the constitutions of Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and South Carolina, together with the Declaration of Independence, the Act of Confederation, and various

¹ There are some notes on this subject in C. Borgeaud, *Établissement et Revision des Constitutions en Amérique et en Europe*, also a brief statement in A. Aulard, *Histoire Politique de la Révolution Française*, 19-23. It is incidentally treated in *America and France*, by Lewis Rosenthal.

² *Travels in France* (Bohn ed.), 97. Cf. Malouet, *Mémoires*, I., 246, where the American Revolution and Jean Jacques are coupled as influences leading toward extremely democratic and dangerous changes.

acts of the Continental Congress.¹ A much more complete collection was published in 1783. This included the documents printed by order of Congress in 1781. The work of translation was done by the Duc de la Rochefoucauld at the request of Franklin, who wished to counteract the extravagant misrepresentations of American affairs diligently circulated by the English newspapers. He thought that the new state constitutions would show that political knowledge and sagacity were to be found even in the American wilderness. The work was not published surreptitiously, like so many works of a political character at this time in France. Through the good offices of Vergennes it received official authorization. Franklin presented two copies "handsomely bound, to every foreign minister . . . one for himself, the other more elegant for his sovereign." He further hoped the impression produced by these documents would be so wholesome that many persons of substance would be persuaded to emigrate to America.² An even more complete reprint of the state constitutions appeared from 1784 to 1788 in the section of the *Encyclopédie Méthodique* on "Économie, Politique et Diplomatie," edited by Dèmeunier, censor royal, afterwards a member of the second committee of the Constituent Assembly on the Constitution. Dèmeunier also published separately these documents and his comments.³ Besides such more formal and complete collections, several of the constitutions or declarations of rights were quoted by writers in their essays on the new institutions.⁴

In the discussions of these constitutions there become apparent some of the tendencies characteristic of the attitude of the dominant parties in the National Assembly. One of the first and most important criticisms was made by Turgot, the economist and practical statesman, in a letter to Dr. Price, dated March 22, 1778. He

¹ *Recueil des Loix Constitutives des Colonies Angloises, Considérées sous la Dénomination d'États-Unis de l'Amérique-Septentrionale*. Dédié à M. le Docteur Franklin. À Philadelphie et se vend à Paris, 1778.

² *Constitutions des Treize États-Unis de l'Amérique*. À Philadelphie et se trouve à Paris, 1783. Franklin's *Works*, VIII. 274-275, 317, 395. Sir Samuel Romilly was introduced to Franklin in Paris, and when some passages from the collection were read to him expressed surprise that the French government had permitted the publication. Quoted from the *Life of Sir Samuel Romilly*, I. 50.

³ *Essai sur les États-Unis*. Par M. Dèmeunier, secrétaire ordinaire de Monsieur, Frère du Roi, et censeur royal. À Paris, 1786. Dèmeunier reprinted these articles again in 1790 under the title *L'Amérique Indépendante* (4 vols.) without taking the trouble to change his comments on the general government under the Confederation.

⁴ The most elaborate of these was Mazzei's *Recherches Historiques et Politiques sur les États-Unis de l'Amérique-Septentrionale* (4 vols., Paris, 1788). Crèvecoeur's *Lettres d'un Cultivateur Américain* (2 vols., Paris, 1784; 1787, 3 vols.) increased general interest in America.

found an objectless imitation of English usages, a system of checks and balances, which may be necessary in counterbalancing the enormous preponderance of monarchy, but which in a republic is only a source of division. A governor, a senate, and a house of representatives were established, according to him, simply because in England there were a King, a House of Lords, and a House of Commons.¹ So strong an impression did Turgot's objection to the bicameral system leave, supported as it was by the well-known views of Franklin, that it influenced opinion and votes when the Constituent Assembly came to face the question.²

In 1787 John Adams published a reply to the criticisms of Turgot, as well as to those of the Abbé Mably³ and of Dr. Price. His first volume attracted such wide attention that he added two others. Although this work was not published in a French translation until 1792, its strenuous advocacy of the theory of checks and balances was known in France, where it was criticized severely rather as a eulogy of the English system than as a "defense" of the American constitutions. It actually weakened the influence of those features of the American constitutions which seemed based on English precedent.⁴ When William Livingston wrote a book combating the views of Adams, it was translated at once and was furnished with notes by such admirers of Turgot as Condorcet and Dupont de Nemours. But Livingston did not go far enough to suit them. They took issue with his assertion that it was necessary to establish a check on the exercise of legislative power by dividing the legislature and by adding an executive veto and a judicial control. They contended that a sufficient check could be found in a declaration of rights, in the inability of the legislators to change the constitution, in county assemblies meeting at fixed epochs to give

¹ *Œuvres*, VIII. 376-392.

² Lafayette wrote, "Turgot, Franklin avaient été partisans de l'unité de chambre; beaucoup de leurs admirateurs éclairés avaient reçu cette impression." *Mémoires*, IV. 200-201. In another passage he refers to the single chamber theory as held by the "généralité du parti populaire et des héritiers de l'opinion de Turgot et de Franklin." *Ibid.*, II. 298-299. Jefferson called the advocates of the single chamber "Turgotists."

³ The Abbé Mably's views have little relation to this subject. Moreover, he totally misconceived the spirit and tendencies of the American institutions, believing that with the increase of wealth coming from trade an aristocracy would take possession of the government, and that it was urgent to shape the new institutions in such a way that the change would come without dangerous shock. For this reason he thought the Massachusetts constitution better than the more democratic constitution of Pennsylvania. *Observations sur les États-Unis d'Amérique*, in the form of letters to John Adams, dated July 24, August 6, August 13, and August 20, 1783. *Œuvres Complètes de Mably*, VIII. 287-416.

⁴ *The Defence of the Constitutions of the United States of America*. London, 1787.

consent, if need be, to legislative acts.¹ Many Frenchmen, among them Condorcet and Brissot, called attention to the American plan of giving constructive constitutional work to a separate convention, freeing it in this way from the vicissitudes of ordinary legislative activity.²

The most solid and extended observations on the American constitutional system were made by Dêmeunier in the *Encyclopédie Méthodique*. Besides a general article on its characteristics and the nature of the Confederation, he devoted a special article to each state. Like Turgot he noted the English features of the constitutions, but these did not trouble him. He believed that the advantages of the bicameral system outweighed the disadvantages. If it required more time to make laws there were fewer errors to correct. He predicted that Georgia, which had no senate, would be forced to create one as soon as its population should become more numerous. In commenting on Pennsylvania his views were most strongly expressed. He did not believe the single chamber system here could endure, for although the inhabitants, and particularly the Quakers, were simple-minded and honest, they had not the vigor to manage a government so stormy. He also noted the controversy already begun in Pennsylvania over this feature of the constitution. Dêmeunier is a curious instance of the rising dread of executive authority which led the French in 1789 to render their monarch powerless for good, if not for ill. He repeatedly urges that the governors be watched, and regards as dangerous their power to make appointments and issue commissions. These officials seem to him too much like uncrowned kings. The same objection will be later urged against the powers of the president. Dêmeunier, like Condorcet³ and others, felt that one of the greatest

¹ *Examen du Gouvernement d'Angleterre Comparé aux Constitutions des États-Unis*. Par un Cultivateur de New Jersey (Paris, 1789), 188-200. Quérard wrongly attributes this book to Robert A. (R.) Livingston. Cf. for a further explanation of Condorcet's views on the organization of the legislature his *Seconde Lettre d'un Citoyen des États-Unis à un Français* (Philadelphia, 1788). Pétion, who in September, 1789, was a partizan of the single chamber, wrote in 1788 in his pamphlet *Avis aux Français sur le Salut de la Patrie*, "Dans un état où tous les citoyens seroient égaux, en Amérique, par exemple. . . il y auroit beaucoup moins d'abus à diviser le corps législatif en deux chambres, parce qu'elles s'éclaireroient mutuellement, qu'elles ne pourroient être animées par aucun esprit de parti," etc., 93-94.

² In the second of Condorcet's *Lettres d'un Citoyen des États-Unis*, *Œuvres*, IX, 122. Cf. his *Essai sur la Constitution et les Fonctions des Assemblées Provinciales* (1788), I, 130. Brissot wrote in his *Plan de Conduite pour les Députés du Peuple aux États Généraux* (April, 1789), 240: "On ne peut imaginer de méthode plus sage que celle des conventions particulières. Nous en devons la découverte aux Américains libres, et la convention qui a formé le plan de système fédéral, l'a infiniment perfectionné." Cf. Brissot's *Discours* (Bibl. Nat., pièce) at the meeting of his Paris district, April 21, 1789.

³ Condorcet wrote in his *Idées sur le Despotisme*: "La première déclaration de droits qui en mérite véritablement le nom, est celle de Virginie, arrêtée le 1^{er} juin 1776; et

contributions the Americans had made to statecraft was the prefixing of a declaration of rights to their constitutions, withdrawing certain things from the field of legislation and guaranteeing the individual against legislative tyranny. He said it was a shame that New York had drawn up no such declaration, and eulogized New Hampshire and Massachusetts because of the completeness of their statements. "One finds there," said he, "the soundest maxims ever imagined on government, an outline more interesting than any offered by the most famous works." Part of them he looked upon as echoes of the great principles of English jurisprudence.

After the war was ended, and attention turned from its heroic struggles or from the theoretical beauties of paper constitutions to the actual administration of affairs under the Confederation, American credit began to decline. The want of energy in the central government, the refusal of the states to pay their share of the taxes, the paper-money schemes, and the occasional disorders were magnified, especially through the malicious efforts of the English newspapers. Lafayette repeatedly expressed to Washington the embarrassment felt by the friends of America because of this steady decline in her reputation, which, he added, "furnishes the adversaries of liberty with anti-republican arguments."¹

The despatches of Otto, the French chargé d'affaires, and of the Marquis de Moustier, the French minister, emphasize the state of collapse into which the Confederation was sinking. Moustier thought it likely that he would be forced to negotiate with the separate states. He believed the government so feeble that it would be wise for France to seize Newport and New York to prevent their falling into the hands of the British in the event of a war between France and England.² In its instructions to Otto, dated August 31, 1787, the French government anticipated a further development of the democratic tendencies of several states, with the gradual falling of all into complete isolation and independence. It

l'auteur de cet ouvrage a des droits à la reconnaissance éternelle du genre humain. Six autres états d'Amérique ont suivi l'exemple de la Virginie." *Œuvres*, IX. 168. But in the notes on Livingston's book he, or one of his friends, expresses dissatisfaction with the terms in which these rights are expressed, and adds that now reason and logic "peut arriver en ce genre à un tel degré de perfection qu'il ne puisse y avoir dans l'univers entier deux déclarations de droits qui diffèrent entr'elles d'un seul mot." *Examen*, 199.

¹ Letter of August 3, 1787, *Mémoires*, II. 203. Cf. II. 135, 192, 195. Jefferson's letters in *Writings* (Washington ed.), I. 407-408, 518; Franklin, *Works*, VIII. 347; also Lafayette to Franklin, IX. 291. It was the need of defending America that led Mazzei to publish his *Recherches*, and that inspired much of what Brissot wrote in his part of *De la France et des États Unis* (London, 1787). The other author was Clavière, later Girondin minister of finances.

² Archives du Ministère des Affaires Étrangères, Correspondance, États-Unis, XXXIII. fol. 17, 22-26.

consoled itself with the reflection that "this revolution will have nothing vexatious for us: we have never pretended to make of America a useful ally; we have had no other end than to deprive Great Britain of a vast continent."¹

Such a state of affairs was unfavorable to the continued influence of American constitutional methods. But there was another consequence. As soon as rumors of a revision of the system of government were heard, the text of the new Constitution was eagerly awaited. When it came it was printed in the most important newspapers and in the last volume of the *Encyclopédie Méthodique*.² Not all read it with the deep interest Lafayette expressed to Washington, although according to him it had been much admired by the philosophers of Europe.³ Condorcet wrote to Franklin, "If it was impossible to obtain anything better, we must regard it as among the necessary evils, and hope that the opposition will be strong enough to require a few years hence a new convention." He vaguely added, "I see with pain that the aristocratic spirit seeks to introduce itself among you in spite of so many precautions."⁴ He and his friends touched in the notes to Livingston's book what they considered its defects. They saw in it an ominous similarity in fundamental principles to the English constitution.⁵ They were surprised at the omission of a declaration of rights; there was also nothing to prevent high offices from becoming hereditary, and the Federal government was too strong.⁶ At least two of these features were generally considered faults. As Jefferson wrote in reference to a declaration of rights, "the enlightened part of Europe have given us the greatest credit for inventing this instrument of security for the rights of the people and have been not a little surprised to see us so soon give it up."⁷ The other fault is significant, not to say ominous, for the future of France: it was the power

¹ *Ibid.*, XXXII. fol. 350-351. In March, 1789, Moustier prepared an article for the *Gazette de France*, calling attention to the collapse of the Confederation as a lesson to the admirers of the Americans.

² The *Gazette de Leyde* published it in Nos. 91-95, beginning Nov. 13, 1787. This paper gave constant attention to the movement for ratification. When it announced the final adoption in No. 72, it remarked that while Europe was suffering from an excess of ills America was at the height of her wishes. The *Gazette de France* published, Nov. 20, a short sketch of the Constitution. The *Mercure de France* published the full text in the same month.

³ Letters of Jan. 1 and Feb. 4, 1788, *Mém.*, II. 216, 222.

⁴ Franklin, *Works*, X. 1, letter of July 8, 1788.

⁵ The bishop of Arras told Gouverneur Morris in March, 1789, that the Constitution was "the best that has ever yet been found, but has some faults which arise from our imitation of the English." *Diary and Letters*, I. 34.

⁶ *Examen*, 200 ff.

⁷ *Writings* (Washington ed.), II. 586. Cf. Lafayette's letter of Jan. 1, already cited.

granted the President. Lafayette shared this conviction with others of less practical capacity, but he hoped that Washington during his presidency would use his influence to have the presidential prerogatives lessened.¹ So sound a thinker as Dêmeunier held a similar opinion.² The division of Congress into two chambers also excited criticism. Finally Franklin wrote one of his friends that although he shared the opinion that one chamber would have been better, "nothing in human affairs and schemes is perfect, and perhaps that is the case with our opinions."³

Otto's first impressions of the new Constitution were wholly favorable. He felt that American credit would rise immediately and that "Congress would be able to make advantageous treaties with foreign nations, and above all protect the property of individuals which it has never been able to do since the Revolution."⁴ Moustier reached the conclusion that the Constitution was the method adopted by the property holders to protect themselves against being plundered by cheap money and other devices. He also thought that in the end ambitious men would perpetuate themselves in power.⁵ Both he and Otto saw in the Constitution a great blow to the sovereignty of the states. Otto explained that limited to matters of internal policy the state legislatures would henceforth resemble corporations rather than sovereign assemblies.⁶

¹ Letter of Jan. 1. Cf. letter of May 25, *Mém.*, II. 227. The Duc de la Rochefoucauld wrote to Franklin expressing the hope that Washington "would set bounds to his own power, that when placed by his fellow-citizens in the highest office, he will point out to them the evils of too blind confidence and directing it to a noble end, he will provide restraints upon his own power and that of successors less worthy than himself." Franklin, *Works*, X. 2-3. La Rochefoucauld said the same thing in a speech on the veto, written for the debate in the National Assembly, Sept. 7, 1789. *Opinion* (Bibl. Nat., pièce), 12-13.

² *Encyclopédie Méthodique*, IV. article États-Unis. He notes the apprehension felt in Europe in regard to the powers of the President. Their "énormité . . . effraye avec raison." Franklin wrote his correspondent Le Veillard that he seemed too apprehensive about "our President's being perpetual. Neither he nor we have any such intention." *Works*, X. 13. Probably Jefferson's opinions acted on those of his French acquaintances, alarming them unduly upon the dangerous nature of the office. See his letters, to Adams, Nov. 13, 1787, and on the same day to Colonel Smith, *American Diplomatic Correspondence, 1783-1789*, III. 337-339; Dec. 20 to Madison, *ibid.*, 350-351; Feb. 7, 1788, to Donald, *Writings*, II. 355-356.

³ *Works*, X. 13.

⁴ Correspondance, États-Unis, XXXII. fol. 376.

⁵ *Ibid.*, XXXIII. *passim*, especially fol. 238. Moustier published a pamphlet in 1791, *De l'Intérêt de la France à une Constitution Monarchique*, in which he argued the distinctly monarchical tendencies of the new American Union, and asserted that its character was generally misunderstood in France.

⁶ *Ibid.*, XXXII. fol. 379. Cf. a similar opinion in Mazzei's *Recherches*, IV. 182; also a eulogy of the Federal system in Mirabeau's *Analyse des Papiers Anglais*, No. 14. Otto thought the balance established between the Senate and House quite ideal, although the Senate might incline toward more intimate relations with the President. He also thought the Federal courts would add greatly to the power of the government.

It is apparent from these currents of thought among influential Frenchmen that even the sincere admirers of America were not docile pupils of American experience. Some of them were inclined to reject the very constitutional devices that the Americans had adopted as the teaching of their whole political past, and to accept merely what was similar to the speculative conclusions of the French philosophical school itself. Aside from Lafayette, Brissot was the most thoroughgoing admirer of the American system, but since he failed to be elected to the States General, his advocacy was made only through his pamphlets and his newspaper. It is also significant that of the men who were deeply interested in American constitutional principles before the opening of the Revolution not one was a member of the first committee on the Constitution. The most prominent members of that committee appear to have approved the American constitutions for their resemblances to the English system, in other words, for those very characteristics which were considered defects by those who had taken special interest in the American constitutions.

The first serious constitutional question that was brought up after the States General had become the National Assembly concerned a declaration of rights. It was the example of the American states which had made this a part of the new programme. Moreover, the contents of the various American declarations were consulted in formulating one for France. Such a conclusion would be reached from what has already been said of pre-Revolutionary writings, but there is additional evidence.

It was significant that Lafayette submitted the first project. As early as 1783 he had placed in his house a copy of the Declaration of Independence with an empty space beside it, awaiting, as he said at the time, a declaration of rights for France. He probably put his project in form early in 1789, for Jefferson wrote in January, "Everybody here is trying their hand" at such statements.¹ So far as he used American declarations as a guide it was not the Declaration of Independence but the bills of rights prefixed to the state constitutions which served this purpose.

In the National Assembly the discussion of a declaration of rights falls into two periods, for on July 11, immediately after Lafa-

¹*Mémoires*, III. 197. Jefferson's *Writings* (Ford ed.), V. 64. Lafayette subsequently wrote, "La première déclaration des droits dans le sens américain, qui ait été proclamée en Europe, est celle que Lafayette a proposée à l'assemblée nationale." He also explains that it was only after the beginning of the American era that the question had been raised of defining the rights which each man possesses independently of established society. It is in this connection that he comments on the state declarations of rights, particularly that of Virginia. "Sur la déclaration des droits," *Mém.*, II. 303-306.

yette had presented his project, everything was thrown into confusion by the dismissal of Necker. Not until July 27 did the constitutional committee make its report upon this question. There followed a preliminary debate until August 4, when attention for a week was concentrated upon the attempt to sweep away the debris of feudalism. August 12 the discussion was resumed, and was concluded only on August 26. In the report of the committee the influence of America was definitely recognized. The reporter, Champion de Cicé, archbishop of Bordeaux, said: "This noble idea, conceived in another hemisphere, should fittingly first be transferred to us. We assisted in the events which gave to North America her liberty; she shows to us upon what principles we should preserve ours."¹ But as Barère remarked, in so large an assembly there might be differences of opinion upon the possibility of "naturalizing in the Old World this product of the New and of adapting the ideas of young republics to old empires."²

There were many besides the reactionary nobility that feared the effect upon the people of such a statement of abstract principles unaccompanied by those provisions of the Constitution which would indicate the limits of their application. Mounier was one of these. He argued that the declaration should be published as a preamble to the Constitution. If in this way the exact consequences were not made known, it would, he urged, "permit the assumption of other consequences which will not be admitted by the Assembly."³ Another member of the same party, Malouet, argued that nothing could be inferred from American precedent, because the Americans were "all farmers, all proprietors, all equals."⁴ He here touched the vital difference between the situation of the two countries. However abstract may have been the principles laid down in some of the American declarations, there was scarcely anything in them which did not correspond to rights long enjoyed and entirely consistent with the political and social system, as well as the traditions of the people. But those who believed in an immediate publication of a declaration prevailed; and it was voted, August 4, not to defer this until the completion of the Constitution.

¹ P. 5 of the *Rapport* attached to the *Procès-verbal* of July 27.

² *Point du Jour*, I. 376. Barère also wrote apropos of the report of the Committee of Five, August 18, which attempted to weld the several declarations, "C' est sans doute une idée neuve des législateurs qu'une déclaration des droits; mais l'exemple donné en ce genre par l'Amérique libre n'a pas encore appris à vaincre les difficultés d'un pareil ouvrage." *Ibid.*, II. 161. Cf. 168.

³ *Procès-verbal*, July 9, *Rapport du Comité chargé du Travail sur la Constitution*. Cf. Lally-Tollendal's similar opinion, *Point du Jour*, I. 173.

⁴ *Courrier de Provence*, No. 22, p. 22. Cf. *Point du Jour*, II. 15.

After the Assembly had completed its decrees for the abolition of feudalism it resumed the discussion of the declaration of rights and sought to draw up a satisfactory statement. Many of those who admired the American declarations felt, nevertheless, that these could be improved. Count Mathieu de Montmorency said that the French enjoyed an advantage over the Americans; they "could more boldly invoke reason and allow it to speak a language more unalloyed." "Yes," he added, "it belongs to France and to the eighteenth century to present to the world a new model and a code of reason and wisdom to be admired and imitated by other nations."¹ Mirabeau, however, was scarcely able to disguise his contempt for such exercises in phrase making. He declared that "liberty was never the fruit of a doctrine laboriously wrought out in philosophical deductions, but, rather, of daily experience and of the simple reasonings that the facts suggest." And he added: "Thus the Americans have made their declarations of rights; they have designedly laid aside abstract science; they have presented the political truth which it was necessary to establish in a form easily adopted by the people to whom alone is liberty of importance and who alone can maintain it."²

Of the various projects the most noteworthy besides that of Lafayette were those submitted by Mounier and by the Abbé Sieyès. Mounier's project was confessedly based on that of Lafayette.³ Lafayette himself believed that this was true of all the others, and it was also asserted in the course of the debate.⁴ Undoubtedly Sieyès would not have sanctioned a view which would rob him of any of his prestige as an independent source of political inspiration. But the general influence of the American declarations does not depend upon the leadership of Lafayette in this matter. Rabaut de St. Etienne affirmed this influence unequivocally, although he preferred the project of Sieyès. He said, "You have decided to make a declaration of rights because your cahiers impose this duty upon you; and your cahiers have spoken to you of it because France

¹ *Discours* (Bibl. Nat., pièce), Aug. 3, p. 15. Mme. De Staël remarked in her *Considérations sur la Révolution Française*, "Quand la déclaration des droits de l'homme parut dans l'assemblée constituante au milieu de tous ces jeunes gentilshommes naguère courtisans, ils apportèrent l'un après l'autre à la tribune leurs phrases philosophiques, se complaisant dans des débats minutieux sur la rédaction de telle ou telle maxime, dont la vérité est pourtant si évidente, que les mots les plus simples de toutes les langues peuvent l'exprimer également." I. 274.

² *Courrier de Provence*, No. 27, pp. 4-5, on the debate of August 17-18. Cf. No. 29 and No. 33; E. Dumont, *Recollections of Mirabeau*, 112-114.

³ *Exposé de la Conduite de M. de Mounier dans l'Assemblée Nationale*, Nov. 17, 1789, p. 123.

⁴ By the Abbé de Bonnefoi, Aug. 19.

has had for her example America."¹ His only fear seemed to be lest the imitation might be slavish. The whole debate left upon the mind of Necker the impression which he later embodied in the remark, "The first seeds of these ideas of equality were scattered abroad in adopting for the kingdom of France the declarations of rights of several American republics."²

In the course of the debate only one of the speakers ventured to criticize severely the American declarations. This was Cr ni re. He insisted upon a distinction between a statement of principles and a declaration of rights. Rights, he said, were the result of agreement, not the consequence of principles. This disciple of Rousseau then continued, "If the boasted declaration of the United States is an agreement of this sort we should be wrong in taking it as a model," for it is "on several accounts a most inept act, an intentional affront to liberty." He was vigorously rebuked by D meunier, who testified to their indebtedness to the Americans for light upon liberty.³

Among the projects which differed more in form than in substance it proved impossible for the Assembly to choose. Accordingly, August 12, a committee of five was appointed to embody what was best in each. As this committee failed to present an acceptable statement, each bureau was asked to offer a project. That of the sixth bureau was chosen as a basis for the final task of statement, but it was amended beyond recognition, and the result was quite as much due to happy improvisation as to long meditation.⁴ It was essentially a literary endeavor. How far the content of the French declaration may have been influenced by the American bills of rights may be a matter of doubt, but the example of the Americans in prefixing such a declaration to their constitutions was decisive.⁵

¹ *Moniteur*, r impression, I. 349. It is to be remembered that this version by the *Moniteur* was taken from some contemporary newspaper, as the *Moniteur* did not begin publication until November.

² *De la R volution Fran oise*, par M. Necker, II. 36.

³ This account is taken from Bar re's *Point du Jour*, II. 162-163. Bar re does not give Cr ni re's severe words: he says, "M. Cr ni res a ensuite caract ris  fortement cet acte des Am ricains, et il a annonc  qu'il prouverait un jour la qualification qu'il lui donne." The *Courrier de Provence* says Cr ni re called the "declarations si vant es des Am ricains . . . ineptitudes," No. 29, p. 2. The exact words seem to have been given in the *Mercur de France*, Aug. 29, p. 346, "  divers titres l'acte le plus inepte, l'attentat le plus m dit  contre la libert ." This criticism the *Mercur* first attributed to D meunier himself, but on receiving a note from D meunier the mistake was corrected.

⁴ Mounier in his *Expos * (p. 32) says that several articles adopted August 20 were taken from Lafayette's project, and others on August 21 from his own. Robespierre — called M. Robert-Pierre by Bar re — argued August 24 for an article on the complete liberty of the press like that in the American constitutions. *Point du Jour*, II. 208.

⁵ Professor Georg Jellinek in his *Declaration of the Rights of Man and of Citizens*, tr. by Professor Farrand, argues the close dependence of the French declaration upon its

Before the debate on the declaration of rights came to an end the divisions between those who had hitherto been counted supporters of the Revolution became more clearly marked. The heavy sacrifices which the decrees of August 4 had imposed on the privileged classes had alarmed the more conservative. Their fears were increased by the continuance of disorder in the provinces and the utter prostration of governmental authority. These men, drawn together by common ideals, gradually organized a party or group in the Assembly. They had a central committee and subcommittees. Although they did not control a majority of votes, they used their forces so effectively that for a time they appeared to command the situation. Their leaders were La Luzerne (bishop of Langres), Mounier, Malouet, Bergasse, Lally-Tollendal, Clermont-Tonnerre, and Virieu. The group was principally made up of members of the Third Estate with a few recruits from among the nobility.¹

The more radical part of the Assembly was led by Barnave, Duport, and the Lameths. Their strength lay not so much in the actual number of adherents that they possessed as in the fact that a great many deputies who generally seemed inclined to follow the leadership of Mounier refused to follow him in any course of action which was likely to compromise the gains of August 4. The hesitation of the King in accepting these decrees predisposed such deputies to oppose any constitutional provisions which would increase his power of resistance. Accordingly they often voted with Barnave instead of with Mounier.

In marking out the framework of the Constitution the initiative belonged to Mounier and his friends because they were the majority of the committee. It becomes important, therefore, to understand their attitude toward American constitutional principles. This is made clear not only by their speeches and reports, but also by a book on government which Mounier wrote during the discussion of the declaration of rights and published at this juncture to influ-

American predecessors. His thesis is severely handled by M. Boutmy in the *Annales des Sciences Politiques* for July 15, 1902. Although M. Boutmy seems to have the best of the argument in general, he pushes his denial of relationship quite beyond what the history of the debate in the National Assembly permits. See further A. Bertrand, *La Déclaration des Droits de l'Homme et du Citoyen* (Paris, 1900) and E. Blum, *La Déclaration des Droits de l'Homme et du Citoyen* (Paris, 1902).

¹ Malouet, *Mémoires*, I. 302-303. Cf. A. Mathiez, *Revue Historique*, LXVII. 267 ff. See also the *Journal de l'Assemblée Nationale*, Sept. 1, 1789, by Gaultier de Biauzat, who says this party first showed its hand Aug. 23 on the question of religious opinions. Fr. Mège, *Gaultier de Biauzat, sa Vie et sa Correspondance*, II. 269-270. Jefferson thought this group unwittingly played into the hands of the aristocrats. Autobiography, in *Writings*, I. 104.

ence public opinion.¹ Mounier's views on the American system were formed rather from a contemplation of the weakness of the Confederation and the disorders in the states than from a knowledge of the prospects of government under the new Federal Constitution. Although he says that the United States had approached the true principles of liberty more closely than all ancient or modern republics, he adds that such a government is suited only to a small population of quiet manners. The American veto seemed to him too weak to hold the legislatures in check. He approved the property qualification demanded for senators and insisted on American experience with the single chamber system. He said that the Pennsylvanians now recognized that their constitution had been directed by ideas too abstract and metaphysical, and that they were on the point of adopting the bicameral system. He believed that a senate like most of those in America was the utmost his party could offer to the radicals as a basis of compromise. In accordance with this idea, although he confessed his preference for a chamber of peers like the English House of Lords, he suggested a senate of 300 members chosen by the provincial assemblies, each member to be at least thirty-five years old and to enjoy an income of 10,000 livres from real estate. It was not to alter the terms of tax laws, but could amend other bills sent up for its consideration. It was also to be a high court for impeachments.²

Another member of the committee, Lally-Tollendal, who belonged to the same group, did not consider Mounier's minimum an acceptable basis for a compromise. He thought such a senate would not acquire a sufficient weight as a distinct power in the political balance, and that it would be hardly more than a second section

¹ *Considérations sur le Gouvernement et principalement sur celui qui Convient à la France*. For the date, see his *Exposé*, 31. Mounier thought that the new Federal system in order to maintain itself would be obliged to compel the states to serious sacrifices and would finally crush them altogether. The position of the President would, he believed, become a subject of intrigue, and the only remedy would be found in an hereditary stadholderate. He also saw a germ of servitude in the power of Congress to legislate for the District of Columbia, "car les Membres du Congrès auront des sujets auxquels ils donneront les Loix" (p. 16). Lafayette regarded Mounier as wholly an admirer of the English constitution and as having little knowledge of American constitutional principles, *Mém.*, IV. 72-85. Cf. *Patriote Français*, No. 36.

² Mounier said later that, while he proposed this compromise, he was so convinced of the need of a chamber of peers that he urged Bergasse to fight for such a solution. *Recherches sur les Causes qui ont Empêché les Français de Devenir Libres*, II. 262-263. La Luzerene had published a pamphlet at the opening of the States General, *Sur la Forme d'Opiner aux États-Généraux*, in which he suggested that the nobility and the clergy be put in one chamber and the Third Estate in the other. He supported his argument by citing the example of the United States, remarking that they in "établissant la constitution la plus républicaine qu'ils puissent imaginer, n'ont pas voulu déposer la totalité du pouvoir dans une seule assemblée. Ils ont formé le congrès de deux chambres" (pp. 10-11).

of a single chamber. He argued for a senate which was simply a thinly disguised chamber of peers. Its members were to be appointed for life by the king from lists of nominees made by the provincial assemblies. Unable to agree in its report, the committee contented itself with recommending the bicameral system and made no attempt to fix the character of the upper chamber.¹ It further declared for the grant of a veto to the king as well as of the right of dissolving the lower house.

According to Jefferson's rather sanguine view of the situation, American precedents were exercising at this time a determining influence. On August 28 he wrote to Madison, "Our proceedings have been viewed as a model for them on every occasion; and tho in the heat of debate men are generally disposed to contradict authority urged by their opponents, ours has been treated like that of the Bible, open to explanation but not to question."²

Although certain constitutional features of the American system undoubtedly exercised some influence, this system was not the ideal of the committee. They were justly called "Anglomaniacs." Their use of American examples was often in the nature of an argument *a fortiori*. Lally-Tollendal in his personal report, while disclaiming a comparison between France and the American repub-

¹ *Procès-verbal*, August 31, annexed *Rapport*, p. 30. In reference to the part the provincial assemblies were to play, a few tendencies of thought should be noted. Jefferson wrote to Madison, August 28, that "the provincial assemblies will be entrusted with almost the whole of the details which our state governments exercise. They will have their own judiciary, final in all but great cases, the Executive business will principally pass through their hands and a certain local legislature will be allowed them. In short ours has been professedly their model, in which such changes are made as a difference of circumstances rendered necessary." *Writings* (Ford ed.), V. 109. In a debate over Paris, July 23, Mirabeau in support of his contention that Paris had a right to organize itself had cited the American example of leaving "à tous ces états le choix du Gouvernement qu'il leur plaira d'adopter pourvu qu'ils soient républicains, et qu'ils fassent partie de la confédération" (*Dix-Neuvième Lettre du Comte de Mirabeau à ses Commettans*, 53-54). But if Mirabeau had any tendencies toward this sort of federalism, he abjured them a month later. Brissot, whose project for the municipal constitution of Paris was accepted as a working basis, asserted local autonomy in unmistakable terms. The sphere of the National Assembly is to embrace the objects common to all the provinces and to sanction the constitution the different provinces give themselves. This sanction he calls "le lien fédéral" (*Observations sur le Plan de la Municipalité de Paris*, Nov. 15, 1789). Brissot had first printed this preamble in his *Patriote Français*, No. IX., August 6. Lafayette feared that the plan of allowing the existing provincial assemblies to choose the senators would encourage these assemblies to become too independent in spirit. He therefore suggested an increase in their number "afin d'éviter l'esprit de provinces confédérées." From a letter written about September 1, 1789, *Mém.*, II. 323-324. In the debate on the veto fears of "federalism" were more vigorously expressed by Sieyès, Virieu, and others.

² Letter to Madison, *Writings* (Ford ed.), V. 110. Morris had written to Carmichael in July, "They want an American constitution, with the exception of a King instead of a President," *Diary and Letters*, I. 113-114. Brissot heard of murmurs against the citation of American examples if Jefferson did not (*Patriote Français*, No. 26, p. 4).

lics, inhabited as these were by farmers, insisted that if both Adams and his critic Livingston agreed in the necessity of a division of the legislature, "if the Americans, enlightened by their Publicists, convinced by experience, have almost all adopted the plan of three powers—in their chamber of representatives, their senate, and their governor—is not this necessity recognized by them an invincible demonstration of the necessity to which we should yield?"¹ A few days later Mounier alluded to the system of the Americans "who are proposed to us as models" and expressed astonishment that any one should propose to grant to the French monarch fewer prerogatives than to the American President, and concluded by referring to the weakness of the American executive, a weakness which would mean ruin to a country like France.² Still another member of the group, in an argument from American precedents, explained that the Americans had followed "the English constitution attentively in everything that concerned the distinction and the limitation of the powers."³

Before the two parties in the National Assembly had begun their contest over the propositions of the committee, Lafayette attempted to bring the leaders together and to discover an acceptable compromise. No one in France had more influence than he at this time, although his position at the head of the National Guard precluded any direct intervention in the debate. His programme, which he explained in a private letter,⁴ included a suspensive or iterative veto which would enable the king either to consult the nation or to influence the deputies, and two chambers, the second to be composed of senators chosen for six years by the provincial assemblies. At his suggestion conferences were begun between Mounier and Barnave, supported by their friends. The most important of these conferences was held, probably August 27, at Jefferson's house. For six hours the discussion went on and when it came to an end a compromise seemed within reach. Indeed, Jefferson, writing only three weeks afterwards, asserted that one had been agreed upon, although he was unable to explain why it had not been carried out. But Mounier, in his justification of his conduct written in November, intimated that the conferences were unsuccessful. He said his opponents offered to vote for the absolute veto and for two chambers if he would consent to leave the

¹ *Rapport de M. le Comte de Lally-Tollendal*, 22-24.

² *Procès-verbal* for Sept. 4, annexed speech, 38. Mounier calls the President "Président du Congrès," although thinking of the new office. Brissot and others made the same mistake.

³ Bergasse, *Discours* (Bibl. Nat., pièce, Sept. 7), printed but not delivered, 45-46.

⁴ *Mém.*, II. 323-324.

upper chamber without the power of altering projects of law, making it simply a chamber of revision, and if he would also refuse to the king the power of dissolving the lower chamber and would vote for a scheme of national conventions for the revision of the Constitution. This compromise was so close to the minimum which Mounier had himself outlined in his book that it is difficult to understand why he refused it. He evidently did not altogether give up the hope of ultimately reaching an agreement, for in his report and in his speeches he continued to suggest a senate far beneath his ideal. In this his friend Malouet, who was also at the conference, assisted him. According to Mounier there was another conference at Versailles August 29, and when this broke up Barnave and his friends asserted that they would henceforth argue for a suspensive veto and would act on public opinion at Paris.¹

Perhaps Mounier would have been more ready to accept a compromise had he not overestimated the strength of his following in the Assembly. Unhappily for him he could not count on the support of even the nobles. The provincial nobility, assuming that the senate was a chamber of peers in disguise, feared that all the peerages would be given to the court nobles. Others thought preference would be given to the nobles who had first declared for the Third Estate during the controversy about the organization of the States General. Still others hoped that the very tyrannies of a single chamber would be the means of disgusting the nation with the Revolution and would lead to at least a partial restoration of the old order of things.²

¹ Jefferson, letter of Sept. 20, *American Diplomatic Correspondence, 1783-1789*, IV. 144. The account given by Jefferson in his Autobiography is rather fanciful, and the alleged results of the conference are not borne out by the records. In a letter to Jay, Aug. 27, Jefferson wrote: "I can now state to you the outlines of what the leading members have in contemplation. . . . The legislative to be a single house of representatives, chosen for two or three years. They propose a body, whom they call a senate, to be chosen by the provincial assemblies, as our federal senate is, but with no power of negating or amending laws; they may only remonstrate on them to the representatives, who will decide by a simple majority the ultimate event of a law. . . . It is proposed that they shall be of a certain age and property, and be for life" (*Ibid.*, 135). In writing to Madison the next day he makes the same statement. As Mounier declared the last conference took place August 29, it is probable the conference at Jefferson's house was held before the letters to Jay and to Madison were written. This is also the implication of Jefferson's words, "I can now state," etc. If so, the compromise which Jefferson believed had been agreed upon is given in his two letters. The implication of Lafayette's later comments was that no compromise was reached. Evidently the result was not clear. Mounier, *Exposé*, 37-38; Lafayette, *Mémoires*, II. 298-299; III. 203, 514; IV. 200-201. Cf. III. 231. Two years later Barnave and his friends were plotting to revise the Constitution and to institute an elected second chamber. *Mémoires of Mallet du Pan*, I. 263, 443.

² Rabaut de Saint Etienne, *Précis de l'Histoire de la Révolution Française* (ed. 1819, first published in 1792), II. 88-90. Cf. Lafayette, *Mém.*, II. 299.

When the discussion was begun, an attempt was made to separate the question of the veto from that of the two chambers, but this was found impracticable, for if the king was to receive the right of veto many saw no reason to permit another veto, namely, that of an upper chamber over the decisions of the lower. The debate was hardly more than a series of set speeches in which the orators made no effort to meet the arguments of those who had preceded them.¹ The Assembly was, therefore, little nearer an intelligent settlement of the issue when a vote was taken than before the first speeches were made. This is less true of the discussion of the veto than of the debate on the organization of the legislature.

The veto power bore too close a relation to the gains of August 4 not to excite the interest of the country. The discussion had hardly been opened before the agitators of the Palais Royal attempted to start a march upon Versailles, directed particularly against the party of "corrupt commoners," Mounier and his friends, who were betraying the Constitution to the aristocrats. The firmness of the provisional government of Paris defeated this scheme and also checked the movement among the district assemblies of the city to force a decision of the question by a referendum.

The issue lay between an absolute veto and some form of delay, either by suspending the decision until the next or a succeeding legislature or by referring it to the vote of the primary assemblies. The proposition to dissolve the legislature and go before the voters with a question or to send to them for a special mandate seemed to many like transferring the legislative power to the bailiwicks and turning the country into a monstrous federation. Sieyès declared it would divide France into "little democracies, which would be united only in a general confederation, almost as the thirteen or fourteen United States of America are confederated in general convention." Such a fate he deprecated. "France," he exclaimed, "is not a collection of states; it is one whole composed of integral parts."² The ominous rumors of independent action from one or two provinces, as well as from several districts in Paris, dissatisfied with the course the Constitution was taking, led some of the liberals to recoil a little. On September 7 the Duc de la Rochefoucauld confessed he had changed his opinion during the

¹ Mallet du Pan in the *Mercur de France*, September 12, protested against turning the Assembly into an academy. The same criticism was made by Mirabeau's *Courrier de Provence*, No. 39, and by the *Journal de Paris*, September 9.

² *Procès-verbal*, September 7, annexed speech, pp. 10-11. Cf. *Courrier de Provence*, No. 36, pp. 10-11, and the *Discours du Comte d'Antraigues*, p. 14. Also the speech of Virieu in the *Mercur de France*, September 19.

last five days, and that instead of an immediate appeal to the people he advocated a suspension of decision until the next legislature.

As the partisans of the suspensive veto seemed to be gaining ground, the situation was more favorable for an advocacy of the American plan embodied in the new Constitution. The only man who urged this solution intelligently was Brissot, just then one of the most influential politicians in Paris. On September 4 he declared in his newspaper that the absolute veto meant despotism, or the will of one man, and that the suspensive veto meant anarchy, or a will impossible to reach. He clearly explained the American system, which, said he, had no other object than to bring about a fresh discussion and did not serve as an obstacle to legislation.¹ Brissot found little hearing because both parties agreed in seeing hardly any analogy between the two situations, a veto in the hands of a king being a different thing from the right of an elected officer to force a reconsideration.² The Duc de la Rochefoucauld called even the President's veto a feeble shadow of the royal sanction.³ But so far as it could be brought into comparison it was considered a species of suspensive veto. Even Brissot later acknowledged that it must be so classified, although he did not abandon his conviction that it was more prompt and less dangerous in its effects than the form actually adopted.⁴

As already pointed out, the question of a second chamber was closely related to the problem of the veto, because if the main argument urged for the grant of a veto was the necessity of deliberation this need was satisfied by giving the king the power to postpone decisions over one or two legislatures. Such a consideration led admirers of America, like the Duc de la Rochefoucauld, to disregard the argument for two chambers that was based on American experience. He said, "I shall not be frightened out of my conclusion by the example of the two American states, of which one (Georgia) has already exchanged its single legislature for two legislative bodies, and the other (Pennsylvania) will soon, it is reported, adopt this complicated system." He explained that the French had one "means not possessed by the Americans of providing against the dangers which come from the unity of the legislative body, namely, the *royal sanction*."⁵ Nevertheless he was in favor of a chamber of

¹*Patriote Français*, Nos. 34, 35, 36, 37, 42. Brissot thought the discussion showed ignorance of American institutions.

²Barère even said the Americans had not been obliged to face so grave a question as the grant of a veto. *Point du Jour*, II. 265.

³Speech of September 7.

⁴*Patriote Français*, No. 42. Cf. *Mercure de France*, September 12.

⁵Speech of September 7.

revision chosen by the primary assemblies. Another admirer of America, Dêmeunier, advocated the same solution.

The inclination to find a sufficient check in a suspensive veto was increased by the manner in which the admirers of the English system, particularly Lally-Tollendal, represented the machinery of government as a set of forces skilfully correlated so that each counteracts the dangerous tendencies of the others. As Barère put the matter in his newspaper at the beginning of the debate: "England offers her three powers, *astonished* at the knot which binds them together, and America presents her senate, her governors, and her representatives. Among the publicists, some subject an empire to the laws of mechanics, boasting of the equilibrium and balance of opposed and interdependent powers."¹ Thouret was one of those who felt an ill-disguised contempt for the doctrine of the balance of powers, which he referred to as "this machine, repaired recently by Mr. Adams, which has lost in good minds its ancient credit."² This was not the only time John Adams was scornfully treated because of his book. Lanjuinais spoke of him as "the Anglo-American Mr. Adams, whose vote is only that of a blind partizan of inequality."³ Another speaker referred to him as the "Don Quichotte of the nobility, the corrupt tutor of a grand seigneur."⁴

Several leading men also felt that a senate would somehow bring back the system destroyed by the triumph of the Third Estate in June. Mirabeau's journal declared that the "project of a senate proposed by the committee, far from obtaining any favor, has inspired much alarm. The senate has been represented, either as the asylum of the ancient aristocracy, masked under another name, or the cradle of a new aristocracy."⁵ Rabaut de St. Etienne said that it was feared that a body of senators chosen for life could too easily be corrupted by the court; but he confessed that the bearings of this plan and of the other for senators elected for six years were not at the time clearly understood.⁶

Even many of those most determined in their opposition to this scheme were not opposed to two chambers of the American sort. They did not, however, feel that this alternative was within reach,

¹*Point du Jour*, II. 256.

²*Ibid.*, 313.

³*Mercure de France*, September 19.

⁴*Logographe*, II. 321.

⁵*Courrier de Provence*, No. 37. Lafayette wrote to M. D'Hennings in 1799 that the plan of an elective senate "fut repoussée par les metaphysiciens, par les économistes et par la foule des niveleurs qui prenaient un sénat électif pour une chambre de noblesse, et par les courtisans de cette foule; elle le fut aussi par les aristocrates forcenés, qui . . . votèrent pour ce qui leur parut le plus mauvais." *Mém.*, III. 231.

⁶In his *Précis*.

for they looked upon the American Senate as practically a second section of a single legislative body.¹ One of them touched another phase of the question in the remark: "They tell us of the American Senate. There it can be necessary because there is no royal influence." Dupont de Nemours and Sieyès suggested plans by which the deputies might be divided into two sections after they had been chosen or organized.²

On September 7, after a tumultuous session, it was voted to close the discussion and formulate the questions in order to bring them to vote. This task proved very difficult, but finally from sheer weariness the Assembly accepted the form suggested by Camus, a form in which, according to Mirabeau's journal, "not one of the questions was clearly put and scarcely one in its proper place."³ The questions were: first, shall the National Assembly be permanent or periodical; second, shall there be a single chamber, or two; third, shall there be a royal sanction; fourth, shall it be absolute or suspensive? The form in which the first was put seemed to pledge those who voted either way to vote also for the single chamber. And the second was so stated that all those who were opposed to any one of the several kinds of upper chambers would be obliged to vote for a single chamber. It is not surprising, therefore, that when the actual voting began the confusion increased. It happened that the president was a member of Mounier's group. He was so strongly suspected of trying to give the members of that group an opportunity to argue the general question further that he was insulted, and immediately resigned. The tumult was increased by the exclamation of Virieu that the bicameral system was the only means of protecting the legislature from unscrupulous demagogues. This apparently made votes for the other side. All these combined causes led to the decisive rejection of the bicameral system. Out of 1060 present only 89 voted for two chambers, while 122 explained that they had not yet reached a conclusion.⁴

There was an echo of this debate in May, 1791, when the method of legislative procedure was made the subject of a report. Buzot

¹*Point du Jour*, II, 316. Barère thought an indivisible body more active.

²*Logographe*, II, 296, 321.

³*Courrier de Provence*, No. 39, p. 3.

⁴Barère made this comment: "Ainsi point de sénat; nous ne pouvons espérer que du temps . . . l'oubli total des antiques privilèges, et un sénat en ce moment, révélerait le germe destructeur des prétentions." *Point du Jour*, II, 345. This crushing defeat led to the resignation of the committee. With the failure of the senate plan disappeared also this opportunity to add to the functions of the provincial assemblies and to develop the analogy between them and the American states. The succeeding committee substituted a brand-new division of the whole country into departments.

proposed that each month the legislature be divided by lot into two sections in order to insure a ripe discussion. He anticipated that this proposition would be opposed as identical with the rejected scheme of two chambers and therefore he declared, "I distrust and detest, with all patriots, the establishment of two chambers." In saying this he had in mind the plan of Lally-Tollendal, for he speaks of one chamber as composed of privileged individuals. He argued from the practice of the American states, although instead of two homogeneous chambers he asked for two sections of the same chamber.¹ He also reminded the Assembly that Franklin, the author of the first Pennsylvania constitution, had since recognized his error. Pétion supported Buzot's suggestion and asserted that almost all the American legislatures proceeded in much the same way, which was certainly making the most of the fact of occasional joint sessions. The scheme, however, came to nothing.

The question of the veto was settled by the grant to the king of a suspensive veto, making impossible the passage of a bill disapproved by him until the third legislature. Such a veto had all the objectionable features of an absolute veto, and it also pointed to the king as the only obstacle to the immediate enjoyment of the benefits of legislation which—so the agitators would declare—was sure to be enacted into law after the constitutional interval was ended.

The lesson of all this hardly needs urging. It was natural that the ardent revolutionists of 1789, in making a constitution which should render impossible the return of the old régime, should not be enthusiastic for those features of the American constitutional system that suggested distrust of the popular will. It was also natural that their imaginations should be conquered by the American device of prefixing to a constitution a declaration of the rights which had been the theme of their own philosophers, and the goal toward which English law had been tending since the Great Charter. Not all Frenchmen are agreed that it was well to have followed such an example, but although the Constitution was ruined in the fall of the monarchy, "the principles of 1789," embodied in the Declaration of Rights, were to be the rallying cry of liberal France throughout the nineteenth century.

HENRY E. BOURNE.

¹*Moniteur*, réimpression, VIII. 463-465. Brissot, who in 1789 had been an advocate of the American system, seems to have changed his mind and come to the conclusion that this plan was better. *Patriote Français*, No. 652.

HENRY I.'S WRIT REGARDING THE LOCAL COURTS

THE text of Henry I.'s writ regarding the local courts, published by Dr. Liebermann in his *Quadripartitus*, p. 165, presents it in a form which renders its interpretation easier than the older text printed by Stubbs in his *Select Charters*, p. 104. For convenience Dr. Liebermann's text is given here :

Henricus, Dei gratia rex Anglorum, omnibus fidelibus suis, Francis et Anglis, salutem ! Sciatis, quod concedo et precipio, ut amodo comitatus mei et hundreta in illis locis et eisdem terminis sedeant, sicut sederunt in tempore regis Eadwardi ; et non aliter. Et nolo, ut vicecomes meus propter aliquod necessarium suum, quod sibi pertineat, faciat ea sedere aliter. Ego enim, quando voluero, faciam ea satis submoneri pro mea dominica necessitate secundum voluntatem meam. Et si amodo exurgat placitum de divisione terrarum vel de occupatione, si est inter dominicos barones meos, tractetur placitum in curia mea. Et si est inter vavasores alicuius baronis mei honoris, tractetur placitum in curia domini eorum. Et si est inter vavasores duorum dominorum tractetur in comitatu. Et hoc duello fiat, nisi in eis ramanserit. Et volo et precipio, ut omnes de comitatu eant ad comitatus et hundreta, sicut fecerunt in tempore regis Eadwardi ; et non remaneant propter aliquam pacem meam vel quietudinem, quin sequantur placita mea et iudicia mea, sicut tunc temporis fecissent.

A simple reading of this writ shows that it falls into two distinct parts. The first, down to the sentence beginning "Et si amodo exurgat," deals with what has been commonly called "the restoration of the ancient courts."¹ Restoration is a somewhat ambiguous word. It may mean no more than that the courts had fallen into disorder in the matters of time and place, or it may mean that they had fallen into decay and disuse, and so needed to be restored as a system. It is evident, I think, from the language of the writ that only the first can be meant. The writ shows clearly that these courts have been meeting constantly, indeed it would seem to be implied that they have been meeting too often, and this inference is strengthened by the form of statement in the *Leges Henrici VII.*, 1,² where this writ is referred to. The practice against which this order is especially directed would seem to be the abuse of his position by the sheriff to order the meeting of the local courts at unusual times

¹ See Stubbs, *Cons. Hist.*, I. 425 ; Liebermann, *Trans. Royal Hist. Soc. N. S.*, VII. 93 ; "rétablissant les cours de comté." Bémont. *Rev. Crit. Hist. et Lit.*, XXXIII. 469 For the text see also *Hist. MSS. Com.*, XII., App. IX., p. 119.

² Stubbs, *Select Charters*, 105.

and places for some purpose of his own. This must now cease, but the king seems to say, to paraphrase the last sentence of this part of the writ: "I cannot promise that extra sessions of the courts will never be called; some necessity really affecting the state may arise which will make them necessary, but if such a case occurs I will see to it that sufficient notice is given to reduce the inconvenience to the smallest possible."

The second part, which follows this sentence, gives rise to suggestions which seem to make it, institutionally considered, much the more important portion of the writ. It will be readily seen that this part concerns three things: (1) what courts shall have jurisdiction in certain cases; (2) a question of procedure in these cases; (3) attendance at the local courts. It is with the first of these points that question immediately arises. Three kinds of cases are mentioned, all concerning land held by feudal tenure. We should expect them to be tried in a feudal court and by feudal law. The first two kinds of cases mentioned call for no comment. A case between two vassals of the king goes into his court; one between two vassals of the same mean lord goes into his court, as we should expect. But the third strikes us with some surprise. A case between the vassals of two different lords goes into the county court. To order a case involving feudal law out of a feudal court into the old local popular court would hardly seem to be possible. Either of two different dispositions of the case would seem to be more natural: that the case should be tried in the court of the defendant, see *Leges Henrici c. XXV.*, or that it should be tried in the court of the first overlord common to both, which in almost all cases at least would be the court of the king, see *Cons. of Clarendon c. IX.* A suggestion for the solution of this difficulty comes from the Constitution of Conrad II., of 1037. The second paragraph of that document, after providing for the carrying of certain cases directly to the king, closes thus: "*Hoc autem de maioribus valvassoribus observetur. De minoribus vero in regno aut ante seniores aut ante nostrum missum eorum causa finiatur.*" If the king's *missus* is present the local court becomes the king's court and the disposition of the case made by the writ is entirely regular. Can we go so far as to say that this writ gives evidence of the existence of itinerant justice courts as early as 1111, regularly organized to such an extent at least as to be taken for granted?

The second point of this part of the writ, the point regarding procedure, appears to bear directly on this question. Cases of this sort are to be decided by the duel, unless for some special reason it is omitted. It would seem as if the king's meaning might be

stated as follows : the case is to go into the county court, but there need be no fear that this subjects it to the old Saxon methods of trial ; the court is the king's, not the old popular court, and the Norman method of trial is preserved. If this interpretation is correct, the sentence implies that this arrangement was not entirely new, but had been of long enough standing at least for this question of procedure to arise and to make it seem to the king advisable to give it a formal answer.

The last sentence of the writ, that which concerns attendance at the local courts, seems to get in this way its most natural interpretation also. Its essential point is that no liberties or immunities are to excuse from attendance when king's pleas are to be tried, that is, when the king's justice is present, exactly the later regulation for the itinerant justice court in the county. If we turn again to the passage in the *Leges Henrici* c. VII., which a few years later made use of this writ and enlarged upon it, we find some confirmation for this interpretation. VII. 2 states the composition of the county court in terms which, while different in detail, remind us strikingly of those used in the writ of Henry III., of 1231,¹ which is usually used as typical of the composition of the county court which met the itinerant justices in the thirteenth century, and they appear to include the same classes with the possible exception of the burgesses. It is hardly possible to suppose that this is the every-day shire court under the sheriff, acting merely as sheriff. The presence of the bishop is particularly noteworthy. If the ordinary interpretation is to be given to the writ of William I. separating the spiritual and temporal courts, the presence of the bishop in the ordinary county court would not be easy of explanation. If this is a king's court held in the county, his presence is natural and to be expected. This interpretation is rendered almost necessary by the first words of VII. 3 : "*Agantur itaque primo debita veræ Christianitatis jura ; secundo regis placita.*" This court, whatever it is, tries cases which affect the Church. Apparently we must conclude that this is a king's court, in which case the statement presents no difficulty ; or we must modify in a very decided way our understanding of William's legislation on this point, an alternative which is not easy in view of the clearness of the language in which that is expressed.

If this were the whole of the case, I think we should be led to conclude with a good deal of probability that the itinerant justice system had been in operation, as a fairly regular and organized system, from an early date in the reign of Henry I. It is possible

¹ Stubbs, *Select Charters*, 358.

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that this is the meaning in any case, but Glanvill shows us, see especially XII. 8, cases which do not differ in principle from those mentioned in this writ going from the feudal court of the barons to the sheriff's county court, which must then have been considered as a court having jurisdiction of civil cases naturally falling in a king's court. The position of the sheriff as justice in the somewhat different matter of pleas of the Crown is too well known to need illustration, but for the time of Henry I. see *Leges Henrici* c. X. The sheriff seems also to have been called *justitia regis* in the reign of Henry I.¹ Taking these facts into account, all that we can say is that the writ of Henry I. gives evidence that the county court was used as early as this date as the basis of a local king's court with a composition similar to that of the later itinerant justice court, and like it suspending the immunities granted by charter from attendance at the ordinary local courts. If not the itinerant justice court itself, the county court of this writ is its forerunner and furnishes the foundation on which that system was erected at some later date, perhaps in the same reign. As a matter of probability, it is likely that this was occasionally an itinerant justice court from the beginning, and occasionally a sheriff's king's court, and that a regular system of itinerant justices was reached only gradually. I would not, however, insist too strongly on any conclusions from a course of reasoning based on so scanty a body of material, and I have endeavored throughout to suggest rather than to affirm, but the problem which this material presents is an interesting one and deserving of attention.

GEORGE BURTON ADAMS.

¹ See Stubbs, *Cons. Hist.*, I. 420, n. 1, and Liebermann, *Leges. Edw. Conf.*, 73. An example of this usage in *Edw. Conf.* is found in c. IX., where *justitia regis* can hardly mean any one but the sheriff. Compare c. III. with *Hen. c. VII.*, 3.

DOCUMENTS

1. *George Rogers Clark and the Kaskaskia Campaign, 1777-1778.*

THE transcripts of the following documents are kindly furnished by Secretary Thwaites, of the Wisconsin State Historical Society, from the George Rogers Clark papers in the extensive Draper collection. This collection includes more important material, among the documents being the original of Clark's Memoir. From the original documents of a single year a few have been selected to show the kind of material on which Clark based his Memoir, and are of value, therefore, not only in the detail which they furnish for our understanding of the campaign, but also in the light they cast upon the authority of the Memoir itself.

Attention may be called to the use which was made of this collection in the paper on "Western State-Making in the Revolutionary Era," published in the first volume of the *AMERICAN HISTORICAL REVIEW*. In the *Report of the American Historical Association* for 1895 were reprinted many documents from the same collection bearing upon the relations between George Rogers Clark and Genet. The present installment deals principally with the conditions immediately preceding and following the capture of Kaskaskia in 1778. In the *REVIEW* for October, 1895, I. 90, were published the intercepted letters and journal of George Rogers Clark, 1779, from the Canadian archives.

FREDERICK J. TURNER.

1. GEORGE ROGERS CLARK TO [PATRICK HENRY?] ¹

Sir — According to promise I haste to give you a description of the town of Kuskuskies, and my plan for taking of it. It is situated 30 leagues above the mouth of the Ohio, on a river of its own name, five miles from its mouth and two miles east of the Mississippi. On the west side of the Mississippi 3 miles from Kuskuskies is the village of Mozier, [Miseré — St. Genevieve] belonging to the Spaniards. The town of

¹ Draper MSS., 48J13. This is a copy; the original is lacking. The following note precedes the copy: "Copy of an old and much decayed letter of Genl G. R. Clark, written plainly in the summer or fall of 1777, and very likely addressed to Govt Pat^r Henry. It is transcribed as fully as could be done — as the original has been wet, and is much worn and faded. L. C. D[raper]." In his Memoir Clark states that he communicated his views to Patrick Henry, December 10, 1777: English, *Conquest of the Northwest*, I. 468.

Kuskuskies contains about one hundred families of French and English, and carry on an extensive trade with the Indians ; and they have a considerable number of negroes that bear arms and are chiefly employed in managing their farms that lay around the town, and send a considerable quantity of flour and other commodities to New Orleans, ["which they barter every year, and get the return in goods up the Mississippi," erased]. The houses are framed and very good, with a small but elegant stone fort¹ situated [but a little distance from] the centre of the town. The Mississippi is undermining a part of Fort Chartress ; the garrison was removed to this place, which greatly added to its wealth ; but on the commencement of the present war, the troops [were] called off to reinforce Detroit, which is about three hundred miles from it — leaving the fort and all its stores in care of one *Roseblack*² as comd^t of the place, with instructions to influence as many Indians as possible to invade the Colonies ; and to supply Detroit with provisions, a considerable quantity of which goes by the way of the Waubash R., and have but a short land carriage to the waters of the [Miami].

In June last I sent two young men there : They³ [Rocheblave and the French] seemed to be under no apprehension of danger from the [Americans.] The fort, which stands a small distance below the town is built of stockading about ten feet high, with blockhouses at each corner, with several pieces of cannon mounted ["10,000 lbs" erased] powder, ball and all other necessary stores without [any] guard or a single soldier.⁴ Roseblack, who acted as Governor, by large presents engaged the Waubash Indians to invade the frontiers of Kentucky, was daily treating with other Nations, giving large presents and offering them great rewards for scalps. The principal inhabitants are entirely against the American cause, and look on us as notorious rebels that ought to be subdued at any rate, but I don't doubt but after being acquainted with the cause they would become good friends to it. The remote situation of this town on the back of several of the Western Nations ; their being well

¹ The location of this fort has been in controversy. See Winsor, *Narrative and Critical History of America*, VI. 719, n. 1.

² Philippe de Rocheblave. His account of the situation in Kaskaskia, and information on his career may be obtained from the following documents : Mason, *Philippe de Rocheblave*, Fergus Historical Series, No. 34 ; *Chicago Historical Society Collections*, IV. ; *Michigan Pioneer Collections*, IX. 350 ; *Report on Canadian Archives*, 1883, pp. 75, 76, 82 ; 1886, 461, 552, 672. Note also the references to Philippe de Rocheblave in *Wisconsin Historical Collections*, III. 213, 215 ; VII. 132.

³ See English, I. 467, 580.

⁴ De Peyster, at Michilimacinae, June 27, 1779, writes : "The Kaskaskias no way fortified ; the fort being still a sorry pinched enclosure round the Jesuits' college," Winsor, *America*, VI. 720. Carleton wrote under date of Sept. 15, 1777 (*Mich. Pioneer Colls.*, IX. 350), that the troops were withdrawn from the Illinois to avoid unnecessary expense and that Rocheblave's salary was granted to him, "to have an eye to the King's Interests in these Parts, and to advise Government of whatever might be carrying on against them, this is all the service required of him." Haldimand informed Sir H. Clinton, Nov. 10, 1778, that he had desired to have seven companies of the Fourteenth Regiment sent to the Illinois, but it was determined to retire these companies (Draper MSS., 58J2).

supplied with goods on the Mississippi, enables them ["to carry" erased] to furnish the different Nations ["with goods" erased], and by presents will keep up a strict friendship with the Indians; and undoubtedly will keep all the Nations that lay under their influence at war with us during the present contest, without they are induced to submission; ["that being situated above the mouth of the Ohio," erased] they will be able to interrupt any communication that we should want to hold up and down the Mississippi, without a strong guard; having plenty of swivels they might, and I don't doubt but would keep armed boats for the purpose of taking our property. On the contrary, if it was in our possession it would distress the garrison at Detroit for provisions, it would fling the command of the two great rivers into our hands, which would enable us to get supplies of goods from the Spaniards, and to carry on a trade with the Indians [a line obliterated] them might perhaps with such small presents keep them our friends.¹

I have always thought the town of Kuskuskies to be a place worthy of our attention, and have been at some pains to make myself acquainted with its force, situation and strength. I can't suppose that they could at any [day — time — rate — hour?] raise more than six [or seven] hundred armed men, the chief of them [are French — the British at Detroit being at so great a] distance, so that they more than

An expedition against [Kaskaskia would be advantageous] seeing one would be attended with so little expense — The men might be easily raised with little inconvenience. Boats and canoes with about forty days provisions would [answer] them: they might in a few days run down the river with certainty [to the] Waubash, when they would only have about five to march to the town, with very little danger of being discovered until almost within sight, where they might go in the night; if they got wind [of us they might] make no resistance; if [they did,] and were able to beat us in the field, they could by no means defend themselves — for if they flew to the fort, they would lose possession of the town, where their provisions lay, and would sooner surrender than to try to beat us out of it with the cannon from the fort, as [they] would be sensible that should [we fire] it before we left it, which would reduce them to the certainty of leaving the country or starving with their families, as they could get nothing to eat.

Was I to undertake an expedition of this sort, and had authority from Government to raise my own men, and fit myself out without [much delay], I should make no doubt of being in [full possession of the country] by April next.

I am sensible that the case stands thus — that [we must] either take the town of Kuskuskies, or in less than a twelve month send an army

¹ Gautier's Journal covering the winter and spring of 1777-1778 (*Wisconsin Historical Collections*, XI. 100) shows that considerable numbers of Indians of Wisconsin and Northern Illinois were already disaffected to the British by the messages of the "Bostonians," or Americans. Compare Winsor, *Westward Movement*, 113, for evidence of Kickapoo disaffection. Clark's negotiations with the Indians of this section were doubtless facilitated by these facts.

eight men being taken prisoners from the Salt Licks on Licking Creek, with out Shedding one drop of blood. This is all the news I have to Informe you of part of which I am sorry for — The barure of this to you is a Soldier in Dillard's Company — I hope Sir you will provide him a Gun as he is with out —

I have nothing moore to informe You of at this Time in hopes you will Excuse me for not Complying with your orders sooner as it was not in my power before — I am Dear Sir —

Yours for Ever god bless

You

To Col^o Georg R Clark

W^m BAILEY SMITH

V. MAJOR W. B. SMITH TO GEORGE ROGERS CLARK.¹

HOLSTON RIVER 29th March 1778

Dear Col^o:

I wrote you from this quarter to Fort pitt — informing you I should be out at kentuckey by the 20. day of April but sir I am under the Necessaty of informing you it is out of my power to meet you according to the Time I appointed You must no Sir I have failed in gethering my troops According to Expectation I had all the Suckcess in the world before the draught² Came on — and the Arival of Squire Boone in this quarter which informed the Inhabitant[s] of Daniel Boone with 27 Men being taken prisoners from the Salt Springs on Licking creek these infurnal reports has turned back. too Companies of Men — that was on ther March th[r]ough the Mountains and I must of cours wate here till I Recruite others — the county Lieut^t in this quarter gives me but small incouridgment — tho I dont in the least despair but I Shall make my Companies Compleet — after wating hire. Some time I, have officers now in the differant sets. that are yousing — there utmost indeavour in that business and you may Rely on my doing every thing for you in my power in this business — I have but one Company yet march⁴ which are Stationd at Boonsborough: Commanded by Col^o John Donalson from pittsylvania and Col Dillard as first Lieutenant — thirty Moore are now on there march — and the rest I am deturmd to have gethered before I leave this if possible — I have nothing Moore to say on this Scoore. etc — but if you have not retired to Dranings Lick³ I would give it as my opinion you had better make the place of Rondavous at the big bone lick where I am informd there will be a garrison arected — as soon as Col^o Bowman Can get out — which will be as Convenient to me as if we meet at Dranings Lick — be it as it will Sir, I hope you will send letters to Boonsborough as soone as you arive as I may know where to

¹ Draper MSS., 48]20.

² Compare Henry's letter to Clark, No. II., *ante*.

³ Drinnon's Lick near the Kentucky River. See also English, I. 558. Bowman mentions that the expedition landed salt kettles at the mouth of the Kentucky en route to the Falls.

march to on my arival in that quarter — Col^o Bowman I Expect will send and Express to as Soone as he gits out — I am Dear Col^o

Yours for Ever god bless you —

W^m BAILEY SMITH

VI. JOHN CAMPBELL TO GEORGE ROGERS CLARK.¹

PITTSBURGH June 8th 1778

Gentlemen

As the Opportunitys from the Seat of War and Congress into your Country is so very seldom and the late Accounts from Europe are so interesting I can not refrain from communicating them to you tho I am necessiated to be concise the bounds of a letter not admitting of any thing more

The 26th of May last we Celebrated the Joyfull News here with the Discharge of Thirteen Pieces of Canon and a Tripple discharge of Musquetry

On or about Christmas Eve last Two Treatys were concluded between the Plenepotentiarys of the United States of America and The French King whereby the French King cedes all North America and the Bermudas Islands to the United States of America and declares their Independence will Trade with them and protect their Trade The Americans are under no Restrictions whatever except they shall not return to their Dependance On Great Brittain these matters are made known to the British Court by the French Ambassadors the Consequence is that Brittain has recalled ther Ambassador from France and Ordered theirs Home. Therefore we daylay expect to hear of War being Declared between the two powers and consequently We must assist France. Lord North has moved for Conciliatory Methods with America and two Acts of Parliment are passed one Suspending several Acts of Parliment or rather explaining the right of Taxation in America and the Other Appointing Commissioners to Treat with the Americans both of Which according to the Way they are now understood by Us will be rejected with the Contempt they deserve.

General How is said to be on the Wing from Philadelphia and I hope to have the pleasure of informing you soon that there is not a British Soldier except Prisoners on any part of the Continent of America. M^r Wells is just waiting he can inform you of some of the particulars of these Glad Tidings to whom I must refer you and am

Your Hum^l Servt.

JOHN CAMPBELL.

[*Superscription* :] Col. George Rogers Clark In His Absence to the Inhabitants of Kentuckey.

¹ Draper MSS., 48J22. This is doubtless the letter mentioned by Clark in his Memoir (English, I. 474) where he speaks of his hope of attaching the Illinois French to the American interest, and adds, "fortunately I had just received a letter from Colonel Campbell, dated Pittsburg, informing me of the contents of the treaties between France and America."

VII. CESIRRE TO GEORGE ROGERS CLARK.¹*Monsieur*

Les travaux De naux Res Colte Mond enpaichez Davoir honneur De
vous aller faire Maresverance Et Moblige de vous Envoiyez Par un autre
Macommission chause que Jaures Este flatte Defaire Mois Maime Jes Paire
au Plus taux quil Me Sera Posible Deme rendre a Mondevoir Je Crois que
vous vous deres Bien Mes Cusere un Peux Etgand Esposez Mes Raison
au Cappitaine qui Est venud ice Jenes Rien Denouveaux avous Marque
que de Me Croire avec tous Le Res Pec Possible

au Kashaux le

Monsieur

Votres humbles

10 Juliette

Obeisand Serviteur

1778—

CESIRRE

[*Superscription* :] Monsieur Monsieur Colonel Gorge Rogers Clark
Commandand enChéf Des Illinois pour les Etat unis De la Merique
au Kaskaskias

[Translation.]

Sir

The labor Of our Harvest hinders Me from having the honor Of
going to express to you My reverence and obliges Me to [have] Sent
from you By another person My commission a Thing which I had hoped
To do My Self. I Hope at Least that it Will be Possible for Me To per-
form My duty, I Believe that you will Certainly excuse Me in a Small
measure when My reasons are Explained to the Cappitaine who came
from here I have Nothing New to inform you of only Believe Me with
all Possible Respect

Sir

Your humble Obedient Servant

At the Kashaux

CESIRRE

the 10 July 1778

[*Superscription* :] Colonel George Rogers Clark Commander in Chief of
The Illinois for the united States of America at the Kaskaskias.

VIII. CERRÉ TO GEORGE ROGERS CLARK.²*Monsieur*

Jai été extremement mortifié de ne mètre pas trouvé en mon domi-
cile lors de votre arrivée aux Caskakias

Jaurias eu L'honneur de vous donner des preuves de mon Entiere
Soumission a mes Superieurs mais mon Etat etant dêtre marchand et par

¹ Draper MSS., 48J23. The signature is a trifle difficult. There was a Joseph Cesire at Cahokia (Kashaux is Cohoes, or Cahokia). See *Illinois Historical Society Pubs.*, IV. 205. See the document X., *post*, where he is called captain. The document is chiefly remarkable for its French.

² Draper MSS., 48J24. Cerré was a principal merchant of Kaskaskia. Clark describes his dealings with him in his *Memoir* (English, I. 477, 478, 481, 484-7). Compare *Mich. Pioneer Colls.*, X. 294; IX. 484. Rocheblase desired that relief to his family after his capture should be transmitted by orders on Cerré (*Chi. Hist. So. Pubs.*, IV. 418). Paschal L. Cerré (born 1773) tells (Draper MSS., 8J51) that Clark peeped through the windows of the Cerré residence on the night of the capture of Kaskaskia, to the indignation of Mme. Cerré.

consequent oblig  de voyager dans les differens postes de ces pays pour faire Subsister ma famille, ma mauvaise Etoile ou pour mieux dire lhabitude annuelle ou je Suis de commencer mes voyages dans ce temps ont caus  mon malheur et Suivant le bruit public mes Ennemis Jaloux des peines que je me donne pour me procurer une heureuse mediocrit  ont profit  de mon absence pour me noircir et me metre mal dans lesprit des personnes dont je nai pas L'honneur d tre connu bien persuad  que ma conduite pass e et celle avenir vous etant connue une fois vous me rendrez la justice qui est due a tout bon Sujet Soumis Je Cra ns que dans le premier instant les faux raports de mes Ennemis ne portent quel qua teinte a ma fortune Seul objet de leur haine, dailleurs ayant entre les mains les affaires de defunt M^r Viviat colloqu es avec plusieurs personnes des Caskakias et qui demandent ma presence. Jose vous Suplier Monsieur devouloir bien maccorder un Sauve conduit pour me transporter en mon domicile afin quen vertu dicelui je puisse me laver des accusations que lon vous afait contremoy et v quer aux affaires qui mappellent au dit lieu Cest lagrace quespere de vous le Sujet le plus Soumisqui a Lhonneur d tre avec le plus profond respect

Monsieur

Votre tres humble et tres
obeissant ServiteurA S^t Genevieve

CERR 

le 11.^e Juillet 1778Monsieur G.^r Clark

[*On backing:*] Letters Inclosed in one Cover To Col^o Clark July 11th 1778.

[Translation.]

Monsieur

I was extremely chagrined that I was not at home at the time of your arrival at Kaskaskia. I would have had the honor of giving you proofs of my entire submission to my superiors But my profession being that of a merchant, and consequently obliged to travel to the different posts of this country to make a living for my family, My unlucky star, or to speak more correctly, the annual habit I am in of commencing my journeys at that time caused my misfortune.

According to public rumour my enemies jealous of the efforts I make to obtain a comfortable mediocrity, have profited by my absence, in order to blacken me and destroy me in the opinion of persons to whom I have not the honor of being known; well persuaded that my past conduct and that to come being once known to you, you will render me the justice that is due to every good and submissive subject.

I fear that in the first moment the false reports of my enemies may cause injury to my fortune, the only object of their hatred, besides having in my hands the affairs of the deceased Mr. Viviat to arrange with several persons of Kaskaskia and who require my presence.

I venture to solicit you Monsieur to have the goodness to grant me a passport to go home in order that I may be able to clear myself of the accusations that have been made to you against me, and attend to the

affairs that call me there. It is the favour that the most submissive subject hopes from you, and who has the honor of being with the most profound respect Monsieur your very humble and

very obedient Servant

CERRÉ.

St. Genevieve

11 July 1778

Monsieur G.^e Clark.

IX. CESIRRE TO GEORGE ROGERS CLARK.¹

Monsieur

Jes Resud Lonneur de lavotre Et vous Suit infinemez obligé de la Bonte que vous nous Marquez et Jes Pairre que vous neseré Jamais Dans le Cas devous Repantire Devos nouveaux Sugés Soiyez Persuadé que Jemettere tous Cequiserá amonpouvoir Pour tenir Luniondans Lestas Jevous Pris Sy vous me faitte Lonneur de Mes Crirre Daurenabay Demes Crire Enfrancois vud que Jenes persone qui Soid Capable de Minterprete Jenes poind Denouvelle avous Marquere qui Meritte votre attantion M' lhomme Porteur Delapresante vous dira Cequi Sepase Jevous pris deme Croire avec tous Leres pec possible

Votres humb^l

au Kashaux

Obeisand Serviteur

Ce 23, Juliette

1778—

CESIRRE

[*Superscription*.:] Monsieur — Monsieur George Rogers Clark Commandant Enchef Des Illinois pour Les Etat unit De la Merique Au Kaskaskias.

[Translation.]

Sir

I Received the letter you did me The honor to write And am infinitely obliged for the Favor that you Accord us and I hope that you will Never be In a Situation to Repent concerning your new Subjects Be Persuaded that I shall do all that is in my power To maintain union in The state I Beg you If you do me The honor of writing Me in the future To write to me in french since I have no one who Is capable of interpreting for Me I have nothing New to Inform you of that is Worthy of your attention The man who Carries This to you will tell you what is occurring I beg you to Believe me with all possible respect

Your humble Obedient Servant

CESIRRE

At the Kashaux July the 23 1778

[*Superscription*.:] Mr. George Rogers Clark, Commander In chief of the Illinois for The united States Of America At the Kaskaskias.

¹ Draper MSS., 48J25.

X. GEORGE ROGERS CLARK TO MESSRS. [?] ¹KASKASKIAS 24^{me} Juilliet 1778*Messieurs*

Je recu ce matin vos Lettres des plaintes de chaque'un et je suis fachez de trouvez qu'il y'a des difficultie occassionez par de vue d'interets dans La commerce, par des individu parmi Les Savages si nuisible au Paix et tranq[ui]llité de notre paie. J'espere Messieurs que vu prendrai en consideration, que ce le devoir de chaq'un de nous de supprimer Les insults des savages des une aux autres qu'enfin le desir de gagné n'occasion pas une Division parmi nous. Commes des gens Libre nous-avons Droit de faire une commerce Legitime sans etre Sujets aux insults d'un fier citoyen, Mais ni pas sur Les possessions on bien d'autres [sans leur] consentment, J'ai appris que Le voiture de Mons [MS. torn] etait sur Le Mississippi apré traité, Si [MS. torn] comme une faut enver Monsieur M^cCarty² il est oblige [de] repondre pour sa conduite. Monsieur M^cCarty rendrai Les Butins de Monsieur Gagné, Mais pour L'arranger L'affaire ou Les dispute a L'amiable, Capt Cecire nommerai une persone pour agir avec Lui — au nomme de La republique et chaq'un des disputants, prendront deux personnes pour terminer Leures disputes par arbitration — une coppie de Leur decissions me serai envoye pour etre approuver et si je L'approuve sa sera final Je suis

Mess^{rs}

Je Certifie La traduction cy dessus Vosres humble Serviteur
 Juste et veritable selon L'intention
 de celle ecrite en Anglais par M^r G : Signé
 R: Clark Comm^t des illinois etca G. R. CLARK
 etca etca —

Hansen

[Translation.]

KASKASKIAS, July 24, 1778.

Messrs.—

I received this morning your Letters complaining of one another and I am sorry to find that there are difficulties occasioned by the consideration of commercial interests, by different persons among the Savages so hurtful to the Peace and tranquility of our country. I hope, sirs, that you will take it into consideration, that it is the duty of each one of us to suppress The insults of the savages toward any one [of us] and also that the desire for profit will not occasion a Division among us. As Free people we have Right to carry on a legitimate traffic without being subject to the insults of a proud citizen, But but none over The possessions or goods of others [without their] consent. I have learned that The Conveyance of Mons[ieur] [MS. torn] was on The Mississippi

¹ Draper MSS., 48J26.² This is probably the trader Richard McCarty, whose letter to DePeyster gave information of the capture of Kaskaskia (*Mich. Pioneer Colls.*, IX. 368). He afterwards accepted a captain's commission under the Americans. There are numerous letters from him in the Draper MSS. and in the *Calendar of Virginia State Papers, e. g.*, I. 379. Cf. English, I. 278.

after being treated. If [MS. torn] as a trespass against Monsieur McCarty he is obliged to answer for his conduct. Monsieur McCarty will return The Booty of Monsieur Gagné, But in order to arrange the affair or The dispute amicably Cap^l. Cesire will name one person to act with Him in the name of The republic and each of the disputants, will take two persons to terminate Their disputes by arbitration—a copy of Their decisions will be sent me for approval and if I approve It that will be final

I am, Sirs,

Your humble Servant

(Signed) G. R. CLARK

I Certify The translation of the above [to be] Just and correct according to The intention of that written in English by Mr. G : R : Clark Comm^l of the illinois etc. etc. etc.

Hansen

XI. PERRAULT TO GEORGE ROGERS CLARK.¹

Monsieur,

Je prends la liberté devons écrire au sujet d'un billet que J'ai consenti à l'ordre de M^r De Rocheblave le 16. X.^{bre} dernier dela somme de huit cent seize livres dix sols en pelleterie à compte duquel mon cher pere a payé sur un mandat que Cd^t S^r a tiré en faveur de M^r Pratte le 13. may 1778. la somme de sept cents livres en pelleterie comme vous pourez le voir par les pieces que J'ai remis au S^r Thomas Brady

En outre il y a encore adeduire la quantité de soixante cinq livres en pelleterie convenue avec M^r de Rocheblave pour le ossailler² qui se sont trouveés dans le lard que je lui ai acheté.

J'ose esperer, Monsieur, de votre equité que vous voudrez bien endosser ces objets sur Cd^t billet et charger quelqu'un de vos ordres pour recevoir le montant de cinquante et une livre dix sols qui restent duex.

J'ai l'honneur d'être avec respect,

Monsieur, Votre tres humble

et tres ob^t Serviteur

A S^t Louis le 23. Juillet 1778.

H. PERRAULT

À M^r le Colonel Clark Commandant aux Cas.

[*Superscription :*] Monsieur Monsieur le Colonel Clark Commandant aux Caskaskias

[Translation.]

Sir

I take the liberty of writing you on the Subject of a note that I gave to the order of Mr. De Rocheblave December 16 last for the sum of eight hundred Sixteen livres ten Sols in peltry on which my dear father has paid At the demand of the said Gentleman, drawn in favor of Mr. Pratte May 13 1778 the Sum of Seven hundred livres in peltry as you may see by the receipts that I remit to Mr. Thomas Brady.

¹ Draper MSS., 48J27. This is interesting in its information as to the kind of subjects presented to Clark.

² For *osselet* ?

Besides there is still a deduction amounting to Sixty five livres in peltry agreed upon with Mr. de Rocheblave for the bones that were found in the pork that I bought of him.

I dare hope, Sir, that by reason of your equity you will certainly endorse these sums on the aforesaid note, and give some one your orders to receive the remaining fifty one livres ten Sols I have the honor of being with respect, sir, Your very humble and very obedient Servant

H. PERRAULT

At St. Louis the 23 July 1778

To Colonel Clark commanding at the Cas. [caskias]

[Superscription:] Colonel Clark Commander at the Caskaskias.

XII. WINSTON TO OFFICERS.¹

Sir

I am to acquaint you that there is Something Incomprehensible a Carrying on in Town this night tis Suspected that Cerré² is this Night in Town [MS. illegible] of M^r. Lé Chance this I give you from mere hearsay and the Maneouvres I See Slighly Carried on by the People in the Dark

I am Sir Yours and the States
Truely Faithfull friend and
Hum.^{le} Serv^t.

RICH^d. WINSTON.³

[Superscription:] To The Office of the Guard Fort Clark

XIII. MEMORANDUM BY GEORGE ROGERS CLARK.⁴

On our first taking possession of the Illinois in 1778 having no public money to advance, to the Commissaries Quartermasters etca I generally examined their Accounts and gave Bills of Exchange on Government for the amount this was the practice for some time but engrossing too much of my attention on business of greater moment to the public I complained of it and Cap^t Shannon was appointed by Order of the Governor Conductor General etca I then had no further business with accounts in that department (nor knew very little about them) Purchases, Issues etca etca was then immediately under his direction for the payment of which he drew Bills on me and I countersigned [countersigned] them but never looked at his Accounts. I know that he was obliged sometimes to barter a good deal to procure necessities as he had Orders to make use of every means to collect what Stores he could as we had by the expectation of the assistance of the Kentucky Malitia a designe of taking possession of Detroit what Posts I was at when I signed the Bills in contemplation I do not remember as I was too deeply engaged in my mili-

¹ Draper MSS., 48J28.

² See the letter from Cerré *ante*.

³ Richard Winston was afterwards Todd's lieutenant.

⁴ Draper MSS., 48J29. This illustrates the kind of difficulties which led to the contest between Clark and Virginia over his unsettled claims.

tary arrangements to think much of things that had at that time so little weight in the Scale of affairs: but a considerable time after I had made my final Settlement with Government 1783 M^r Gratiott¹ as attorney in fact for Cap^t Langtott² presented those Bills to me in richmond for payment I argued that it was Cap^t Shannon's business to arrange them, nothing would do but the payment a Suit was ordered and brought forward by M^r Tazwell not doubting but I should hereafter be refunded I paid off the Bills on my return to Kentucky Cap^t Shannon informed me that he should shortly make his final Settlement with Government when things would be arranged and that I was in no danger of suffering this was the case from time to time till he was sent Delegate and actually did settle and on his return did inform me that on my application to the assembly I would get paid for the large Bill the other he would settle for in lands if agreeable which [was agreed to] and wrote a letter explaining the nature of the large Bill which I sent with a Petition to my brother of Spotsylvania to present to the assembly which he twice did to no purpose Col^o Thruston brought the enclosed to me which I got from him last spring which shows that Cap^t Shannon Settled for those Bills with the State of Virginia, those and similar circumstances hath prolonged this business to the present pereod—The whole of the Staff was then under his drection however complicated this may appear I have paid this money and for which I have rec^d no satisfaction—Dec 3^d 1794.

G. R. CLARK

XIV. JOS. BOWMAN TO GEORGE ROGERS CLARK.³

KAHOKAI^o October 30th 1778.

Dear Col^o

Inclosed you^l Receive two Letters from Denow which I made free to open In order to compair them and another from the said person to a Certain Gentleman together, which treated upon one subject, but at a great Advearance [sic] In your letters I find you are still Incouraged about Receiving your Horses whearin it mentions of their only waiting upon one Nation of Indians, whome they had sent for other ways they wood have Returnd by this time with the Horses — in the other Gentlemans Letter they say that they have yet five Horses — besides the six they have sent, and Desire^d that he will purchase six or seven Hogheads of Taffee more with the Greatist saifty; as the Expençe they have already against State amounts to fifteen Hundred Livers.

I have sent you by Cap^m Winston a half moon of Silver which I got out of the Continantle store, which seam^d to have been Provided for officers. I have taken one for myself and some more yet Remaining. if they are wanting they Can be had at any time I likewise got five for

¹ Charles Gratiot. See *Wis. Hist. Colls.*, X. 239.

² Linctot. See *Wis. Hist. Colls.*, XI. 113.

³ Draper MSS., 48J43. For the career of Major Joseph Bowman, brother of Colonel John Bowman, see English, I. 108 *et passim*. He was descended from George Bowman and a daughter of Joist Hite, the German pioneer of the Shenandoah Valley.

Indians but made Lite and not so compleat ; their has been some Indians of the sack¹ Nation here, which I despatched A few days ago with them caime one cheif and another of the Iwayo² Nation which had never been in, their compliance has not satisfied me with a Regard to peace, as they confess⁴ to me that their principal cheifs whear gone to Montreall to fight against the big Knife. I sent them off and gave A Kag of Rum and told them to go and hold a counsel with their Nation and give them choice which side to join with — Drinking their Health with the Rum.

My Compliments to the Gentⁿ Officers, Includeing M^r Camron

I am D^r S^r your most Obd^t friend and Hle Sar^t

Jo^s BOWMAN.

[*Superscription* :] G. R. Clark Col^o and Commander in Cheif of the Islinois Country Kuskuskia pr Capⁿ Winston

XV. JOHN BOWMAN TO [GEORGE ROGERS CLARK].³

HARRODSBURGH October 14th 1778.

Dear Sir

This day I Received yours by W^m Miers, and with deficulty I shall furnish him with a Horse to Ride to the Settlement on.

The Indians have Pushed us hard this Summer, I Shall onley Begin at the 7th of Sep^t when three Hundred and thirty Indians with 8 French Men Came to Boonesburg Raised a flag and Called for Cap^t Boone who had Lately Came from them, and offred Terms of Peace to the Boonesburgh People. Hearing that the Indians Gladly Treated with you at the Illinois, gave them Reason to think that the Indians were Sincear ;⁴ two days being taken up in this Manner till they Became Quite fimeleyer with one another ; but finding the Boonesburgh People would not turn out, and having Col^o Calloway Maj^r Smith, Cap^t Boone Cap^t Buchanan, and their Subalterns Eight in Number, in the Lick, where they had their Table, (you Know the distance about 80 yards) the Indians Getting up, Blackfish made a long Speech, then gave the word go, Instantly a Signal Gun fired, the Indians fastened on the Eight men to take them off, the white People began to Dispute the Matter, tho unarm^d and Broke Loose from the Indians though there were two and three Indians to one White Man. In Runing the above Distance upwards of 200 Guns fired from Each Side and yet Every man Escaped But Squire Boone, who was Badly wounded though not Mortally he got Safe to the fort. On this a hot Ingagement Insued for Nine days and Nights constant fire with out any Intermission. No More damage was Done however But one Killed and two wounded. The Indians then Dispersed to

¹ Sauk.

² Ioway?

³ Draper MSS., 48J42.

⁴ This is an interesting contribution to the explanation of this episode in the siege of Boonesburgh. See Thwaites, *Daniel Boone*, 161, 166, and *Ranck, Boonesborough*, Filson Clrb Publications, No. 16. On Colonel John Bowman, see English, *index, passim*.

the Defrent forts where they Still Remain in greate numbers and way laying our Hunters—General McIntosh who commands the Armeý Intended against Detroyt, I understand Receved Instructions to Strike the Indians and not meddle with Detroite, For other Northern News I Refer you to the Gazettes I hearewith Send you. The Indians have Done More Damige in the Interior Settlements this Summer than Ever was Done in one Season before. Absolute Neadesysity obliges me to send Cap^t Harrod for salt, that we May be Able to Lay up a Sufficient Quantity of Provision for the next Summer. I hope you will Send us one hundred Bushels for that Purpose, Send me an Accom^p of the Same and I will Send you the Money by Cap^t Muntgomery in the Spring, Your Complýance in this Matter will Inable us to Keepe our ground ; if not —we Shall be oblige^d to brake up for the want of Provision, for Neadesysity will Brake through stone walls—I was obliged to promis 6/P.^t day to Every man that Returns with Cap^t harrod that I sent. I Beg this as a favour to let Every Man of them have the value of forty Dolers in goods as May best Sute them and I will Pay it with the above.

I am Dear Sir your Hum^{le} Serv^t

N. B. Pray forward the —

JN^o BOWMAN

News Papers to my Brother

after your Looking over them.

J. B.

We have ben Reinforce^d from Washington County with Eighty Men but thir time is near out Before the[y] Come this Lenth so the[y] Return Imediately agane.

2. *A Letter from De Vergennes to LaFayette, 1780.*

THE following letter is among the unarranged and uncalendared records of the High Court of Admiralty at the Public Record Office in London. With the exception of the first and the last two paragraphs, the whole of the letter is in a numerical cipher, to which, apparently, no key exists. It is, however, the same cipher as that used in the three facsimile letters from LaFayette to De Vergennes which have been published by the late Mr. Stevens. From those three letters a tolerably complete key may be constructed ; and the few words which it leaves conjectural may be verified by the draft of the letter, which is at Paris, and appears to have escaped Mr. Stevens's notice. (See Paris, *Affaires Étrangères*, Correspondance Politique, États-Unis, Tome 13, f. 247.) No part of the draft is in cipher, and there are a few trifling differences between it and the cipher letter. "Le capitaine John", of the cipher is in the draft "le capitaine Jones," *i. e.*, Paul Jones. The cipher letter is signed by De Vergennes, and its envelope is addressed to "Monsieur le Marquis de la Fayette, Général Major au service des États Unis de l'Amérique Septentrionale. A l'armée de Wasington" [*sic*].

The letter was on board an American trader, which sailed from Bordeaux soon after February 17, 1781, and was captured by the *Terror*, an English privateer, on March 1, following, in latitude 30° N., longitude 20° W.

R. G. MARSDEN.

Triplicata.

A VERSAILLES le 7 Août, 1780.

J'ai reçu, Monsieur le Marquis, la lettre que vous m'avez fait l'honneur de m'écrire de Watertown le 2 May. Celles que vous m'avez adressées de Boston ne me sont pas parvenues, le capitaine qui en étoit porteur ayant été chassé par un corsaire françois qu'il jugeoit anglois, a pris le parti de jeter ses paquets à la mer. Ce n'est donc que par son rapport verbal que nous avons appris votre arrivée à Boston et la sensation que vous y avez faite. Elle sera toujours la même partout où on vous connoitra.

Je ne vous fatiguerai pas, Monsieur, de détails politiques et de spéculations de guerre ; c'est de vous que nous attendons des lumières, et j'espère que nous ne tarderons pas à apprendre l'impression qu'auront faite sur le Congrès et sur le général Wasington¹ les avis dont vous étiez porteur et les secours qui ont été conduits par Monsieur le chevalier de Ternay. Je souhaite qu'ils soient arrivés à tems pour faire changer la face des affaires dans vos contrées. La prise de Charles Town, qu'on nous avoit accoutumés à regarder comme une place de défence, a causé d'autant plus d'étonnement ici que le nombre des deffendeurs, s'il en faut croire aux relations angloises, étoit à peu de chose près égal à celui des assaillans. Je répugne fort à croire qu'un relâchement de principes auroit opéré cette disgrâce. Les Anglois ne négligent rien pour persuader l'Europe que l'amour de l'indépendance est fort affoibli en Amérique et que le voeu le plus général est pour une coalition avec la mère patrie et pour rentrée dans son sein. Je serai le dernier à croire à cet étrange phénomène, mais si les Américains ne mettent pas plus de vigueur dans leur conduite on sera forcé à croire qu'ils ne tiennent que foiblement à cette indépendance pour laquelle ils ont montré tant d'enthousiasme dans le principe de la révolution. Si nous jugions la fermeté de la nation en général par le peu de zèle que nous remarquons dans ses agens pour la chose publique nous en aurions une bien mince opinion. Nul concert, nul accord entre eux. Chacun n'est occupé que de ses passions ou de ses chétifs intérêts. Vous vous rappellerez, Monsieur, que sur votre demande ainsi que sur celle de M. Franklin, le Roi a accordé quinze mille fusils et cent milliers de poudre. Le tout a été consigné au Port Louis, à la disposition des Américains. La frégate² l'Alliance devoit embarquer, si non le tout, du moins la majeure partie de ces effets. Cette frégate, d'abord sous les ordres du capitaine Landais, avoit été remise, j'ignore par quel motif, au capitaine John. Le pre-

¹ Sic in original.

² The affair of the *Alliance* is a well-known episode. See Buell, *Paul Jones*, I. 294-306 ; Tower, *Marquis de La Fayette in the American Revolution*, II. 199.

mier qui avoit paru souscrire à cet arrangement, stimulé par des conseils brouillons dont on prétend que Monsieur Arthur Lee a été le principal auteur, a épié un moment où le capitaine John s'est absenté du bord, y est entré par surprise, s'en est déclaré le commandant, et malgré tout ce que l'on a pu faire, s'y est maintenu. Le mal ne seroit pas grand, et nous y serions très indifférens, s'il avoit embarqué les effets destinés pour l'armée américaine, mais il n'a pris en tout et pour tout que quinze milliers de poudre et pas une caisse d'armes. On prétend que lui et ses adhérens ont chargé le navire d'une manière plus utile pour eux. J'espère qu'on saura leur en faire rendre compte. Le capitaine John se trouvant à terre, le Roi lui a fait destiner l'Ariel, petite frégate, pour le transporter en Amérique. Jusqu'à présent il n'a embarqué que cent quarante caisses d'armes et très peu de poudre. J'ignore s'il en prendra davantage. Ces gens-là ont terriblement la manie du commerce. Ce reproche ne peut pas s'appliquer à M. Franklin. Je lui crois les mains et le cœur également purs ; mais il n'a pas l'autorité suffisante pour en imposer à ses compatriotes. Ils s'érigent tous en souverains, et ne veulent connoître d'autre autorité que la leur. Je ne vous fais ce détail, Monsieur, dont je communiquerai l'extrait à M. le chevalier de Luzerne, qu'afin que vous puissiez faire connoître où il conviendra en Amérique que, si l'on n'a pas reçu les armes et les munitions promises, ce n'est pas que nous en ayons décliné la remise, mais qu'il n'a pas plu aux préposés au transport de les recevoir et de les embarquer. Tout cela, je vous avoue, est fort impatientant et demanderoit bien un exemple très sévère. Des vents obstinément contraires ayant arrêté l'arrivée des bâtimens de transport pour la seconde division de troupes que nous nous proposons de faire passer en Amérique, la flotte angloise, qui est venue prendre poste dans le golphe, a forcé à renoncer à cette expédition. J'ai d'autant moins de regret qu'il paroît que le général Wasington ne désiroit qu'un renfort de trois à quatre mille hommes ; vous en avez cinq mille cinq cents. On pourra se déterminer en grande connoissance de cause sur un envoi ultérieur lorsqu'on saura de quelle manière le premier aura été vu et reçu. Il y a lieu d'espérer que la ferveur que vous avez remarquée dans le nord pour l'alliance préviendra ou écartera les sinistres impressions que les malintentionnés voudront donner de l'introduction d'une force étrangère auxiliaire dans le continent de l'Amérique.

J'ai fait passer sans délai à Madame la Marquise de la Fayette la lettre que vous m'avez adressée pour elle. Je serai exact à vous faire parvenir les paquets qu'elle voudra bien me confier. C'est un soin bien doux pour moi de pouvoir contribuer à votre consolation mutuelle.

Rien n'égale le tendre et inviolable attachement avec lequel j'ai l'honneur d'être, Monsieur le Marquis, votre très humble et très obéissant serviteur.

DE VERGENNES.

M. le Marquis de la Fayette.

3. *Portions of Charles Pinckney's Plan for a Constitution, 1787.*

THE writer of these lines has been preparing a series of "Studies in the History of the Federal Convention of 1787," intended to be submitted for publication in the next *Annual Report of the American Historical Association*. In the course of these studies he has attacked anew the problem of the Pinckney plan. Setting aside, for reasons duly stated, the document commonly called by that name, he has attempted, by critical methods which he believes to be more rigid than those hitherto pursued, and in part novel, to reconstruct the actual text of that long-lost project. For the results, it must suffice to refer to the (it is hoped) forthcoming paper. But when the investigation was nearly completed, chance brought forward an incomplete but contemporary text of the original document itself. As Pinckney's plan was not found in the journals of the Convention, nor among its papers, and as virtually nothing has been heard of its original text from July 24, 1787, when it was referred to the Committee of Detail, down to the present time, and as it has meantime been searched for with some interest, the discovery has seemed sufficiently remarkable to justify one in asking that the document now found be printed at once in the pages of this journal.

On the day named the Committee of Detail, consisting of Rutledge, Randolph, Gorham, Ellsworth, and Wilson, was appointed, and Pinckney's and Paterson's propositions were referred to it, along with the resolutions which up to this time had been reached by the Convention. These last, twenty-three in number, are to be found gathered together in the official *Journal*, ed. 1819, while the document that emerged as the result of the committee's deliberations, the Report of the Committee of Detail, has often been printed. Intermediate between these two, and marking successive stages in the committee's work, stand three documents. First, there is that paper in Randolph's handwriting of which Mr. Meigs has printed a facsimile in his *Growth of the Constitution*, and which he has conclusively proved (pp. 317-324) to occupy the position which we are here assigning to it. The other two are drafts in the handwriting of James Wilson, preserved in the manuscript collections of the Historical Society of Pennsylvania. Mr. Meigs has referred to them, or to one of them; but says no more than that "it was evidently drawn at a much later stage of the committee's labors" than the Randolph document, and that "indeed they must have been at that time pretty nearly ready to report, for it is extremely similar to the draft actually reported." This seems rather to apply to the second, or later, of the two papers actually existing among the Wilson manuscripts.

As the investigation above alluded to was drawing to its close

it seemed that it was necessary, or at any rate might be useful, to see copies of these two Wilson documents. Copies were kindly sent by Mr. Jordan, librarian of the society. The reading of the earlier and rougher draft at once revealed a striking fact. After the series of provisions for the composition of the two branches of the federal legislature, provisions not signally differing from those found in the completed report of the Committee of Detail, came a little group of propositions drawn off from the Paterson plan, and then a series of provisions ranging through the legislative, executive, and judiciary departments, and constituting obviously an interpolation. These, it was learned, occupied a separate half-sheet, inserted by the binder in the midst of the Wilson draft. Then the course of the main document was resumed in a group of paragraphs corresponding in the main to the concluding articles of the report of the Committee of Detail. One who had been much occupied with the endeavor to reconstruct the genuine Pinckney plan could see at the first glance that the interpolated document was a series of selections from that very project. For the demonstration of this fact, and for an attempt to exhibit the manner in which the Pinckney and Paterson plans were used by the Committee of Detail, it must suffice to refer as above to a more extensive future publication, the present occasion affording neither adequate space nor time. As it must be some months before the *Annual Report of the American Historical Association* makes its appearance, students of the history of the Convention may very likely be glad to have this text now, even without proper comment or discussion. By the kind permission of the Historical Society of Pennsylvania, I am enabled to present the text here.

J. FRANKLIN JAMESON.

The Legislature shall consist of two distinct Branches — a Senate and a House of Delegates, each of which shall have a Negative on the other, and shall be stiled the U. S. in Congress assembled.

Each House shall appoint its own Speaker and other Officers, and settle its own Rules of Proceeding; but neither the Senate nor H. D. shall have the Power to adjourn for more than Days, without the Consent of both.

There shall be a President, in which the Ex. Authority of the U. S. shall be vested. It shall be his Duty to inform the Legislature of the Condition of U. S. so far as may respect his Department — to recommend Matters to their Consideration — to correspond with the Executives of the several States — to attend to the Execution of the Laws of the U. S. — to transact Affairs with the Officers of Government, civil and military — to expedite all such Measures as may be resolved on by the Legislature — to inspect the Departments of foreign Affairs — War — Treasury — Admiralty — to reside where the Legislature shall sit —

to commission all Officers, and keep the Great Seal of U. S. — He shall, by Virtue of his Office, be Commander in Chief of the Land Forces of U. S. and Admiral of their Navy — He shall have Power to convene the Legislature on extraordinary Occasions — to prorogue them, provided such Prorogation shall not exceed Days in the Space of any . He may suspend Officers, civil and military.

The Legislature of U. S. shall have the exclusive Power — of raising a military Land Force — of equipping a Navy — of rating and causing public Taxes to be levied — of regulating the Trade of the several States as well with foreign Nations as with each other — of levying Duties upon Imports and Exports — of establishing Post-Offices and raising a Revenue from them — of regulating Indian Affairs — of coining Money — fixing the Standard of Weights and Measures — of determining in what Species of Money the public Treasury shall be supplied.

The foederal judicial Court shall try Officers of the U. S. for all Crimes etc in their Offices.

The Legislature of U. S. shall have the exclusive Right of instituting in each State a Court of Admiralty for hearing and determining maritime Causes.

The Power of impeaching shall be vested in the H. D. The Senators and Judges of the foederal Court, be a Court for trying Impeachments.

The Legislature of U. S. shall possess the exclusive Right of establishing the Government and Discipline of the Militia etc. and of ordering the Militia of any State to any Place within U. S.

4. A Letter of James Nicholson, 1803.

WHEN the friends of George Clinton began, as early as 1803, to work for him for the vice-presidency at the next election, his political enemies charged him with having been hostile to Jefferson and friendly to Burr in the campaign of 1800.¹ To meet this charge James Nicholson wrote out a somewhat detailed account of the manner in which Burr came to be nominated in 1800, and indicated the exact share that Clinton had had in that transaction: this account was handed over to Clinton to be used as he thought best. Early in January, 1804, there was some talk of publishing the statement of Nicholson,² but, so far as is known, this was never done. Copies of this statement, which Clinton said was substantially correct, although it ought to be improved in style for Nicholson's sake, are to be found in the George Clinton papers³ in the state library at Albany, and in the De Witt Clinton papers⁴ in the library of Colum-

¹ Robert Smith to George Clinton, Nov. 22, 1803. George Clinton MSS., XXVIII. 7233.

² Geo. Clinton to De Witt Clinton, Jan. 2, 1804. De Witt Clinton MSS., Letters to De Witt Clinton, 1785-1804.

³ Geo. Clinton MSS., XXVIII. 7250.

⁴ De Witt Clinton MSS., Letters to De Witt Clinton, 1785-1804.

bia University. The following reproduction, which is taken from the George Clinton manuscripts, may serve at the same time to throw some needed light upon the nomination of Burr in 1800 and to illustrate nomination methods before nominating machinery was in good running order.

CARL BECKER.

Some time in the Month of April 1800 I received a letter from a Friend in Congress requesting me to call upon Gov^r Clinton and Col. Burr and get their answer respecting being held up as Vice President of the United States and also acquainting me That it was understood by the republican Members of Congress then about separating and returning to their Houses that Mr. Jefferson would be held up as Presid^t and one of the other Gentlemen as Vice President. I accordingly waited on Geo. Clinton and a long conversation took place between us which was as nearly as I can recollect to the following effect on his part. He mentioned that he had already devoted a great part of his life to the Public that the recent death of his Wife and the attention due to his Children had rendered him particularly averse from embarking in public life that nothing but the peculiar and unhappy condition of our public affairs and the pressing importunity of His friends had induced him to serve in the State Legislature, that having a voice in that capacity for electors and having consented to serve in it from the most disinterested views¹ it might appear as if he had been governed by contrary views if he would accede to my request that there would be no difficulty in selecting a proper Character and that Col. Burr whose name was mentioned in my Correspondent's letter Chancellor Livingston or Mr. J. Langdon would answer as well if not better than himself. I then pressed the Governor with great earnestness on the Subject and mentioned emphatically that his refusal might affect the election of Mr. Jefferson as Presid^t. He was much affected at this and answered that he could not believe that it would be the case. That however the love of his Country was uppermost in his Heart and that if it was conceived that any serious injury would result to the republican cause from his declining he would consent so far as that his name might be used on the ticket without contradiction on his part but that it should be understood that if this step should be really deemed expedient that if elected he should be at liberty to resign without giving umbrage to our friends. Upon this I determined to draft a letter to this effect and shew it to the Gov^r previous to its transmission in order that he might be satisfied that I had correctly communicated his ideas on the Subject. I accordingly went again to His House the same day and shewed him a correspondent draft which he approved of and returned. After leaving him I called at Mr. Burr's House and finding him alone I shewed him my correspond^t letter and my answer and requested

¹ The way in which the nomination for the assembly was forced upon Clinton is detailed by Clinton in a letter to De Witt Clinton, Dec. 13, 1803. De Witt Clinton MSS., Letters to De Witt Clinton, 1785-1804.

his sense on the Subject. He appeared agitated declared he would have nothing to do with the business that the Southern States had not treated him well on a similar occasion before, that he thought their promise could not be relied on and that he would not give up the certainty of being elected Gov^r to the uncertainty of being chosen V. P. He then immediately left the room and two Republican Gentleⁿ in whom I had confidence came in I mentioned to them my business and also, I think, shewed them the letter and informed them of my communications with Gov^r Clinton and Col. Burr respecting it One of them declared with a determined voice that Col. Burr should accept and that he was obliged to do so upon principles which he had urged at the late election for members of assembly that all personal Considerations should be given up for the good of the Public Upon this they left the room and shortly after returned in company with Col. Burr after which some general conversation took place upon this subject and Col. Burr with apparent reluctance consented. Being well persuaded of the disinclination of Gov^r C. to accede to the office I then altered the letter into an unqualified declension on his part and also stated Col. Burr's assent which letter so altered being approved of by Col. Burr I sent it on by the Mail Some short time afterwards I communicated this proceeding to Gov^r Clinton and so far from his having exhibited any displeasure on the occasion he appeared happy in having got rid of any further concern in the affair. And if in my alteration of the letter I had misunderstood his views and wishes he had sufficient time to have notified the error previous to the final nomination of the Candidates.

Observing in some late publications Gov^r Clinton's views and conduct with regard to the Vice Presidency entirely misrepresented I have thought it an Act of Justice to give this narrative to be made such use of as may be thought best calculated to repel the unmerited charge against him.

JAMES NICHOLSON.

Dec^r 26th 1803.

REVIEWS OF BOOKS

Essays, Historical and Literary. By JOHN FISKE. Vol. I., Historical; Vol. II., In Favorite Fields. (New York: The Macmillan Company. 1902. Pp. vii, 422; 316.)

* Two handsome volumes bearing the name of John Fiske under an attractive title make a direct appeal to a large body of students of American history, who know the rarity of that combination of felicitous style and scholarly grasp of a subject which his best work represents. From the title it would be reasonable to expect the ripened, crystallized results of his years of training and experience as a writer. Fresh, illuminating discussions of disputed questions, or keen, insightful criticism of men and movements would have been most welcome from this broad-minded, sympathetic scholar. But whoever looks for these things in these essays will not find them; they are not there. The essays are in reality artist's sketches, some of them made with reference to future ambitious canvases, some of them in response to the pressure of popular demand for lectures. Probably not one was designed in its present form for final publication. The posthumous character of the publication may soften a little the disappointment of the reader, but the final estimate of the value of these volumes must be untempered by this consideration.

Even without the statements in the prefatory notes, it would be impossible not to discover at once that the title of these two volumes is misleading. Many of the essays are nothing more than the published manuscripts of stock lectures or occasional addresses; others are practically duplicates, for the most part, of matter already in print in other books by Dr. Fiske. Considerable portions of the essays in the first volume are found in articles contributed by him to Appleton's *Cyclopedia of American Biography*. A good illustration is the essay on "Charles Lee, Soldier of Fortune." "The Fall of New France," which comprises about one-fifth of the second volume, contains nothing not previously published in the other posthumous volume *New France and New England*, which was nearly in final shape when Dr. Fiske died.

The first volume consists of nine biographical sketches, or estimates, of leaders in American affairs between 1765 and 1850. Beginning with Thomas Hutchinson and closing with Daniel Webster, the list includes Jefferson, Hamilton, Madison, and Jackson. The value of at least the last four is not great. They bear no signs of any intimate acquaintance with other than secondary materials relating to the period after 1789. No new facts are added, no new point of view is established, no particularly strong or striking restatement of accepted judgments is effected.

The essay on "Thomas Hutchinson, Last Royal Governor of Massachusetts" is easily the best number in the volume. The essays of the second volume are less historical, less biographical, and more literary, more personal. Four of the ten essays deal with historical subjects ; six treat of philosophical or literary matters. Walking and talking with heroic masters like Huxley, Tyndall, and Spencer in the domain of evolutionary philosophy, Dr. Fiske is indeed "in favorite fields." Even the alien in that realm feels the charm of his reminiscences of the great leaders, and of his broad, sane views of the progress and meaning of evolution. "Herbert Spencer's Service to Religion," "Reminiscences of Thomas Huxley," and "The Deeper Significance of the Boston Tea Party" are the best portions of this second volume. They illustrate at once Dr. Fiske's remarkable power of sympathetic appreciation of men in their times and places, his grasp on the profounder meaning of incidents, and his ability to state in lucid, interesting fashion his matured personal judgment.

"Connecticut's Influence on the Federal Constitution," the fourth essay in the second volume, certainly obtains the reader's attention under false pretenses. The exceedingly important part played by the delegates from Connecticut at a dangerous point in the proceedings of the Convention of 1787 cannot be too carefully demonstrated ; the title invites expectation of a critical study from the author of *The Critical Period of American History* of some of the obscure but potent forces shaping the destiny of the nation. Were the arguments used by Ellsworth, Sherman, and Johnson to secure adoption of their compromise plan drawn from their experience with a "federal system" in Connecticut? Or were they mainly drawn from their patriotic Yankee common sense to meet a crisis? Were these arguments really very effective with the Convention, which failed by a tie vote to defeat the scheme for equal representation in the Senate? How much credit should be given Baldwin, of Georgia, a recent emigrant from Connecticut, who disbelieved in the desirability of the compromise that nationalized some features of the Connecticut "federal system," and yet voted for the compromises as something better than failure? Not a ray of light is cast on any such problems by the essay. It was designed for local consumption, not for general use. Hence discussions of the growing interest in American history, of the Puritan spirit, of the Connecticut migrations, of the Fundamental Orders of 1639, and of the union of Connecticut and New Haven consume six-sevenths of the essay, the proceedings and arguments of 1787, the only real evidence in the case, being disposed of in three pages.

These two volumes demonstrate anew that the publication of popular lectures in the form in which they were delivered is always risky and sometimes unfortunate. Some of the qualities which make such lectures successful, the elaboration of incident, the gossip, the familiar colloquial humor, do not lend charm or force to the printed page. A little slang, such as now and then appears in these essays (Vol. II., p. 59, for ex-

ample) may enliven a serious address but, put into print, it may really blot the book. The careless superlative, so often used in the essay on "John Milton," may become a harmless comparative with a hearer, but in grim black and white it irritates a reader. The essay just mentioned, in its style, its proportions, and its carelessness, is unpardonable. The judgment which devotes five pages to *Lycidas* and one to *Paradise Lost*, while asserting that "the popular theory of creation which Lyall and Darwin overthrew was founded more on *Paradise Lost* than upon the Bible," is thenceforth subject to suspicion. When all has been said, these two posthumous volumes of essays add nothing to the reputation of Dr. Fiske with scholars or casual readers. Their publication is easily understood, but hardly excusable.

KENDRIC CHARLES BABCOCK.

The Teaching of History and Civics in the Elementary and the Secondary School. By HENRY E. BOURNE. [American Teachers' Series.] (New York, London, and Bombay: Longmans, Green, and Co. 1902. Pp. x, 385.)

In the preface the author modestly states that his purpose is "to aid teachers of history, and especially those who have not had special training in historical work, better to comprehend the nature of the subject." That this purpose will be attained there can be no doubt, for this is the latest and best book upon the teaching of history. The causes of its excellence are patent. In the first place, it is the work of a trained historical student who is familiar with the best literature of his subject. In the next place, the method of presentation and the examples and illustrations that are used are sufficient evidence that the writer is a successful teacher. And in the third place, neither fads nor radical methods are here advocated. Sanity of judgment and catholicity of view command the confidence of the reader from the first page to the last. Although the title of the book is *The Teaching of History and Civics*, the latter subject is treated rather incidentally. Only two short chapters discuss the aim and practical methods in teaching civics, and aside from that there is almost nothing. Again, as is natural, the work of the elementary school is subordinated to that of the secondary school, although in the programme of courses in history recommended for the former Professor Bourne departs more widely from prevailing ideas than he does in the case of the latter.

The book is divided, quite evenly, into two parts. Part I. deals with what may be termed the theory of the subject, covering such topics as "the meaning of history," "the value of history," "history in French and German schools," "the school and the library," "methods of teaching history," and "the source method." Part II. takes up the various divisions of the course of study, with practical suggestions as to the general method of handling each period, and with advice as to the use of books. In the first part one finds that all of the best literature upon the various topics has been considered, and there are excellent summaries of

the discussions of debated subjects. The conclusions reached are unusually sound, but if one differs from the author the bibliographies and references place him in a position to pursue the question farther on his own account. The treatment of "history as literature" (in Chap. I.), "the facts of most worth" (Chap. IX.), and "taking notes" (in Chap. X.) must appeal to the great body of teachers. Towards the end of the first part the author says, "As the first principle of method is the teacher, so also is the last principle." And, after all, the entire book is a plea for better-trained teachers of history, and it shows well the necessity of such training, if the work is to be successfully done. In the second part of his book Professor Bourne lays himself open to criticism. One might object to the proportion of space devoted to the various periods; for example, over one-third of the whole is given up to ancient history. In view of the very general acceptance of the *Report of the Committee of Seven*, one might regard as unwise the placing of the limits of medieval history at 395 A. D. and 1560, and the rearrangement of modern European and early American history in such a way as almost to obscure the history of England. These criticisms, however, would not vitiate the value of the work, for the author disclaims any intention of marking out rigid courses of study and just because they represent a new point of view the suggestions made are all the more helpful to one who would distribute the matter in a different way.

A more serious objection might be made to one man's attempting to cover so many fields. Taking, for instance, subjects with which the reviewer happens to be more familiar, he notes the failure to mention Larned's *Literature of American History*. A specialist in American history would have known that the work was in press and, since other forthcoming books are noted, would have included a reference to this. In the treatment of England's relations to her American colonies no mention is made of Beer's *Commercial Policy of England*, for the teacher perhaps the most helpful treatise upon this subject. And in the references for western emigration Professor Turner's articles are omitted, which are the most important of all for this feature of American development. Such omissions are regrettable, but there are compensating advantages in the unity of treatment from all subjects' being covered by the same person, and it must be said that the work as a whole has been well done.

MAX FARRAND.

The Economic Interpretation of History. By EDWIN R. A. SELIGMAN. (New York: The Columbia University Press; The Macmillan Co. 1902. Pp. ix, 166.)

THE purpose of this book, which is a reproduction with a few unimportant changes of the author's articles in volumes XVI. and XVII. of the *Political Science Quarterly*, is to familiarize American readers with a solution of the problem of social dynamics, which has been engaging the lively attention of thinkers in Europe during the past few decades. The

thesis which Professor Seligman admirably expounds is the following: "The existence of man depends on his ability to sustain himself: the economic life is therefore the fundamental condition of all life. Since human life, however, is the life of man in society, individual existence moves within the framework of the social structure and is modified by it. What the conditions of maintenance are to the individual, the similar relations of production and consumption are to the community. To economic causes, therefore, must be traced in last instance those transformations in the structure of society which themselves condition the relations of social classes and the various manifestations of social life."

The genesis, the development, and the recent applications of this thesis form the subject of Part I. of the book. Its origin is to be found in the philosophical system of Karl Marx, who was a follower of the Hegelian dialectics and familiar with the idea of the growth of society before the theory of evolution had received its definite form. To Hegel's conception of process Marx added Feuerbach's naturalism, and thus obtained his fundamental theory that "all social institutions are the result of a growth, and the causes of this growth are to be sought in the conditions of material existence." His doctrine is not to be identified with Buckle's doctrine of physical environment; for, though similar in kind, it is broader in application and based upon a more acute and thorough analysis of society. By the spring of 1845, long before the publication of Buckle's *History of Civilization in England*, his theory was worked out by Marx. It was the fundamental thought underlying the famous *Manifesto of the Communist Party in 1848* and was definitely summed up in his *Contributions to the Criticism of Political Economy*, which appeared in 1859. It was not, however, till the publication of the third volume of *Capital* in 1894 and the more careful study of his earlier and less known works that Marx's important contribution to the interpretation of history was recognized.

The most interesting and instructive applications of the theory have been made in studies of primitive society. Here the first attempt was independent of the Marxists, for Morgan in his *Ancient Society*, 1877, showed "the connection between the growth of private property and the evolution of the horde into the clan." Morgan's investigations were extended by Engels in his *Origin of the Family*, wherein by uniting Marx and Morgan he proved that the gradual growth of exchange and the division of labor have been effective causes of changes in social and political institutions. Professor Seligman devotes several pages to tracing the development of this idea in recent publications.

In Part II. the author considers the following criticisms of the theory: first, it is fatalistic; second, it assumes historical laws; third, it is socialistic; fourth, it neglects the ethical and spiritual forces in history; fifth, it leads to absurd exaggerations. The book ends with chapters on the "truth or falsity" and the "final estimation" of the theory. The chief criticisms of the doctrine have been due either to the exaggerated claims made by its defenders or to the misconception of it by its critics. The hos-

tility aroused by the writings of the founder of "scientific socialism" led Marx and his follower Engels to overstate the importance of their historical doctrine. But with a more favorable reception the earlier crude form has been modified, so that its supporters no longer claim "that the economic relations exert an exclusive influence, but that they exert a preponderant influence in shaping the progress of society."

Although the historical student is skeptical about the value of any attempt, such as this of Marx and his school, to find the causes of historical change in any particular succession of phenomena, to say nothing of its feasibility, he reads with great interest this complete and able exposition of the most instructive and interesting theory of social dynamics. Professor Seligman maintains throughout the book an attitude of impartiality, and with a complete mastery of the subject and its literature covers the whole field of the controversy, exposing satisfactorily the weaknesses and the strength of the theory, so that the book must be regarded as a distinct contribution to the philosophical side of historical literature.

C. W. ALVORD.

Democracy and the Organization of Political Parties. By M. OSTROGORSKI. Translated from the French by FREDERICK CLARKE, M.A., with a preface by JAMES BRYCE, M.P. (New York: The Macmillan Co. 1902. Two vols., pp. lviii, 627; xliii, 793.)

THIS book is by far the largest treatise that has yet appeared upon a subject which has been growing in importance for nearly a century. The author has been engaged upon the work for many years. He has not only made a thorough examination of the material available, but he has also spent a great deal of time in talking with public men of all kinds in England and America; and, in fact, students interested in the subject have long been looking for the book. The first volume treats of England, the second of America, and they are, in reality, separate treatises; for, although the author makes in the American part an occasional comparison with the condition of things in England, these references are few, and there is no systematic attempt to treat the phenomena of parties in the two countries as different aspects of a single problem.

The first volume begins with a description of the condition of England in the eighteenth century — the old unity, as the author calls it. Then follows an account of the breaking up of the old society, the attempts at reaction, and the definite triumph of the new régime. This part of the book, which covers a little over one hundred pages, is interesting and suggestive. Then the main theme is taken up, beginning with the origin of political associations and party organization, leading up, of course, to the establishment of the Birmingham caucus, and its development into the National Liberal Federation. The author next takes up the development of the conservative organization, and afterwards describes in great detail the party machinery, and the methods of

nominating and electing candidates to Parliament. He also devotes no inconsiderable space to the Primrose League and other auxiliary organizations.

This volume is not only the fullest description in existence of party organizations in Great Britain, but the only comprehensive book on the subject, and as such it is invaluable, not only for students, but also for all persons interested in English public life. Two criticisms may, however, be made upon it, both of which apply, and with even greater force, to the volume treating of America. The first of these relates to its length. Not that the book contains unnecessary matter, or that in reading it one is wearied by prolixity; but simply that many people will not read a book of 1,500 pages who would read the same book if it were half as long. Every library of reference must contain the book, and every student of government must use it, but the public will be less familiar with it than if it were of smaller size.

The second criticism is one which Mr. Bryce makes in the preface, where he remarks, "I cannot but think M. Ostrogorski exaggerates the power and the poison of what he calls the caucus in England." In this Mr. Bryce is surely right, for the author attributes to the caucus a power to direct public policy which it appeared at one time to be about to exert, but which was never fully developed and of late has been distinctly lessened. The author is keen and clear-sighted, but seems at times to fail to interpret quite correctly the phenomena that he perceives. He notes, for example, the growth in recent years of the influence of the official leaders over the National Liberal Federation, and says that the meeting of the delegates is reduced to passing cut-and-dried resolutions arranged beforehand with the leaders; but he does not seem to appreciate the full significance of this. It means that the federation has been muzzled and, as far as it purports to formulate and direct liberal opinion, has been made to no small extent a sham.

The American volume begins with a history of the early organization of parties, the establishment and evolution of the convention system, and its immediate political effects. All this, as in the case of the English part, is well done, clear, and full. The author then goes on to describe the existing party organizations, including the national conventions and the election campaign. One of the best chapters, and certainly the most graphic, is the description of the national convention itself. M. Ostrogorski knows well the stage properties by which the dramatic effect is produced, laughs at the ridiculous side of it, and yet, like the other spectators, he cannot altogether escape from the enthusiasm.

Two chapters are devoted to the politician and the machine, followed by what he calls the struggles for emancipation, that is, the various efforts at reform. Then comes a long summary of results and, finally, the conclusion with its suggestion of a remedy.

The American portion of the work is open to the same criticisms as the English. The length is too great for comfortable reading and there is some repetition that might be avoided. There is also the same ten-

dency to attribute to the machine more power than it really possesses. M. Ostrogorski's own observation is keen and his own opinion is probably accurate, but the work is likely to produce a false impression on the reader. In one of the best chapters of the book (Chap. 7, Sec. II.), on "The Politicians and the Machine," the author points out why the amount of injury actually done by the machine to the life of the nation or of the city is not greater than it is, and how its evil influences are limited; and in the summary at the end of the book (pp. 554-557) he shows us very clearly that he does not fall into the common error of thinking that all the legislation of the country is directed by the machine. But although, as in the case of England, he shows us that he has the facts in his hand, he does not seem quite to grasp their meaning. He does not appear to see that the machine in this country does not quite fill all the place that it appears to fill; that, while it degrades politics, its influence upon the social and economic life of the country, and even upon the growth of the law, is not so large as a superficial observation would lead one to suppose.

There is one special criticism that may be made upon the American part; and here, again, it is a criticism of the impression made by the book, and not of the correctness of the facts as they lie in the mind of the author. He shows us by some of his remarks how well he knows that the condition of the machine differs in different parts of the country; that many states have never had a boss at all, and that others have had one only intermittently. Yet he describes the boss system in such a way that a careless reader would suppose it universal and, in fact, he portrays the condition of things in the worst places as if he were depicting a fair type or sample of the whole. The effect thus produced is of course unintentional, but it leaves the impression on the mind of the reader that the author is speaking in a tone of exaggeration throughout.

M. Ostrogorski's suggestion of a remedy is one that he has foreshadowed through the latter part of the book. It consists in the substitution of temporary leagues, formed to promote particular objects, for permanent political parties organized to control the offices of state. These leagues would, of course, be voluntary. They would be formed and dissolved at the pleasure of their members to meet the exigencies of the times. Union, as he puts it, would thus be substituted for unity, and he sees signs that such change is already coming. A political evolution is beginning to take place, he tells us, with the cry "Down with party and up with league!" and to the evolution of such a movement he looks for the salvation of democratic society.

For the benefit of scholars who prefer to read books in the original tongue it may be added that although the title-page states that this work is translated from the French, we understand that no French edition has yet appeared, or is likely to do so in the immediate future.

A. L. LOWELL.

Storia degli Scavi di Roma e Notizie intorno le Collezioni Romane di Antichità. Per R. LANCIANI. Vol. I., a. 1000-1530. (Rome: Ermanno Loescher e Co. 1902. Pp. iv, 263.)

THIS is the first of five volumes in which the distinguished author proposes to present a history of the excavations and discoveries of works of art which have been made in Rome from the beginning of the eleventh century down to 1870, together with much information as to the formation of the various museums and collections. The field of observation embraces not only Rome, but seventeen neighboring cities, such as Ostia, Tivoli, Anzio, Albano, Ardea, Nemi, and Ariccia. The material is arranged in chronological order, and in order to make it thoroughly useful six copious indexes are provided under the rubrics "Ancient Topography," "Modern and Medieval Topography," "Churches," "Museums, Galleries, and Libraries," "Varia," and "Proper Names." This arrangement makes it possible to obtain at once a complete survey of all the discoveries which have been made at any point within the territory covered, and to trace the history of any collection, as well as that of single objects in these collections. The sources for each item are cited and their authenticity discussed, with such further topographical or archæological annotation as may be desirable.

The value and convenience of this work will be apparent at once, for not only is much material published here for the first time, but much of what had been previously published was relatively unavailable. The labor involved in collecting material so widely scattered has been very great. Lanciani states that his manuscript notes fill ninety-five large volumes containing about ninety-five thousand separate entries, and that he himself gathered the material in Italy, France, Belgium, Holland, Germany, Switzerland, and England. In other countries it was done for him.

Down to the fifteenth century our information is comparatively meager, but the notices which Lanciani has collected are especially interesting. The first excavations seem to have been made as early as the seventh century for the purpose of procuring the marble basins from ancient baths, in which to bury the remains of the martyrs within the churches. This was made necessary by the exposed position of their previous tombs, and the increasing inaccessibility of the catacombs. For the same reason sarcophagi, both Roman and early Christian, were searched for. Funeral urns were eagerly appropriated to be used as receptacles for holy water in the churches. The depredations of the workers in marble during these early centuries, who wanted the ancient statues both for models and for raw material, are described, and the discoveries of their workshops, the most notable of which was that of the workmen of Cardinal Raffaele Riario, the builder of the Cancelleria, found in 1871 in the Via Gaeta. The first record of the exportation of Roman marbles is in the time of Theodoric, when the columns of the *domus Pinciana* were carried to Ravenna, but afterwards the custom be-

came general, and even Westminster Abbey appears among the famous churches which were adorned with the spoils of Rome.

After the beginning of the fifteenth century the record is much more exhaustive. Thus on pp. 100-126 are the notices sifted from the *sylloge inscriptionum* of Fra Giocondo, with reference to the thirty-nine private collections of antiquities in Rome in 1498. In connection with the discussion of the sack of Rome in 1527, it is interesting to note that Lanciani takes his position definitely with Gregorovius that the German troops did not deliberately destroy the antiquities of the city.

Although this book is essentially of the nature of a catalogue, it is written with the author's usual charm of style, and the typography is most attractive. It is characteristic of Lanciani that he should adhere to some of his topographical identifications, even after they have been generally abandoned by all others. This work when completed will be a fitting climax to the author's many years of investigation, and will probably be the most valuable and useful of his long series of publications.

S. B. P.

Ancient History to the Death of Charlemagne. By WILLIS MASON WEST, Professor of History in the University of Minnesota. (Boston: Allyn and Bacon. 1902. Pp. xlii, 564.)

THE appearance of this volume affords one more indication of the passing of the old one-year course in general history. Considering such a course "confessedly inadequate, unattractive, and destitute of disciplinary value," Professor West has adopted the compromise proposed by the Committee of Seven, which demands a full year of study for the ancient period alone, and has prepared for the first year's work in history in high schools a text-book which departs in many respects from the conventional manuals of ancient history. Instead of writing separate histories of Greece and Rome and binding them in one cover, he has sought to give Greece and Rome their proper setting in a unified account of the ancient world from the earliest times to the death of Charlemagne, where his volume on modern history is to begin. In order to secure this result many topics once deemed essential are omitted or greatly condensed, while the great connecting epochs of the Hellenistic period and the Roman Empire are treated with unusual fullness. One will look in vain for the jewels of Cornelia and for the sacred chickens; in spite of Thucydides and Cæsar, the accounts of the Sicilian expedition and the campaigns in Gaul occupy but six lines each. The space thus saved from anecdote and military narrative is devoted to the causes and results of wars and to relatively full descriptions of institutions and civilization. Other features of the book will come as a shock to many teachers. Since "the Middle Age is an uncertain one," the author finds "a manifest advantage in ignoring it and in making only two parts to history." The reader is warned against using race character as a universal solvent or even as in itself a valid explanation. "The Aryan fiction" gives way to an anthropological classification of races, and even the Aryan languages are dis-

missed with bare mention in a foot-note. In the early history of Greece the new theories of Professor Ridgeway are preferred to "the undoubted error" of other views. The paganism of the Roman Empire gets fairer treatment than in most text-books, and the temptation to ascribe the fall of Rome to the vices of the Romans is successfully resisted. Such independence, refreshing even when carried to extremes, has, however, its limits. Professor West does not profess to be a special student of ancient history or to draw deeply from the sources. He relies for the most part upon such respectable authorities as Holm, Ihne, and Mommsen's *History*, and does not appear to have profited by the more recent histories of Beloch, Meyer, or Pais, or to have used many of the more special monographs and constitutional treatises; so that those who incline toward the newer views will find much to criticize. Chronological exactness, too, is sometimes attempted where it is unattainable, statistics of population are given with undue confidence, and there are various errors of detail which need correction.

As a book for schools the volume has many excellent features. It is uncommonly well supplied with maps, it has an elaborate table of contents, it abounds in references, questions, and suggestions for supplementary work, and its abundant quotations from good books encourage further reading. The style is clear but not always simple, and the author has not shrunk from using difficult words. In the reviewer's opinion there is too much of generalization expressed in abstract terms, and too little concrete description. Still, the problem of presentation is much more difficult in a book of this kind than in a narrative text, and it is more important to stimulate thought than to tell a pleasing story. The book is plainly the work of an experienced and thoughtful teacher, and cannot fail to prove helpful to other teachers and to the better sort of students. Much of it looks like strong meat for the average pupil in his first year's work in history, but Professor West knows the high-school mind better than does the reviewer, and if students of this grade are ready for his book, they will find it a useful aid to historical study.

CHARLES H. HASKINS.

De Necessariis Observantiis Scaccarii Dialogus, commonly called Dialogus de Scaccario. By RICHARD, SON OF NIGEL, Treasurer of England and Bishop of London. Edited by ARTHUR HUGHES, C. G. CRUMP, and C. JOHNSON. (Oxford: at the Clarendon Press; New York: Henry Frowde. 1902. Pp. viii, 250.)

THE text edition of the *Dialogus de Scaccario* is doubly welcome because we have waited for it so long. The editors are three officials of the Public Record Office, who put forth their work "with some confidence" as an improved text. This claim must certainly be admitted, and the student of the book has now before him the various readings of the three manuscripts on which must depend our knowledge of what Richard son of Nigel wrote. The text itself as here published is a composite one adopting what the editors believe to be the best readings of the manu-

scripts together with emendations of their own and of other scholars. There is, I believe, no variation from the text as printed by Stubbs in the *Select Charters* which makes any change of great importance in the meaning of a passage, but we may now have the confidence which comes from knowing that we have the best there is, in fact that we have all there is.

If one hesitates to find any fault where there is so much to be grateful for, regret at least may be expressed that the editors did not see fit to develop at greater length that portion of their introduction which deals with the manuscripts and with the formation of the text, and give in some detail the reasons for the conclusions which they reach. A knowledge of the genealogy of the manuscripts, of their relation to a lost original and to one another, is so important to the user of a text edition, and a full understanding of the evidence on which the editor's results are based adds so much to confidence and saves so great an amount of time unnecessarily expended if for any reason the reader feels obliged to work out the evidence for himself in the at best imperfect way possible from a printed text, that several more pages might profitably have been added to the introduction to contain these points. Unfortunately the manuscripts do not seem to have made possible a complete genealogy, and yet one cannot avoid the feeling that there is here some unnecessary uncertainty, though possibly this feeling arises more from the editors' briefness of statement than from the facts themselves. The natural inference from the paragraph beginning on p. 2 is that the editors' final conclusion is that both X, the supposed original of C, and Y, that of R and N, "derive directly from the original text" with the possible existence of copies between them and the original. At the bottom of p. 7 they argue as if they had never said that X and Y probably derived directly from the original, but as if their first stated conclusion had been that one copy came between them and it. Theoretically at least, the situation ought to admit of something like a probable settlement of this question, which is of some importance as bearing on the other question of interpolations. There are fifteen passages in which the editors reject a reading which is common to all three manuscripts, and one at least of these, that on p. 136, where *quis* is read by all for *ciuis*, is interesting, though it may not be by itself conclusive.

It is a misfortune in this connection that the manuscript which is here called H, about contemporary with R, proves to contain no readings of value. The editors have apparently settled the question whether this manuscript is a copy of R or of R's original. The point is important to justify a more categorical statement than is made, but I understand their conclusion to be that H is a copy directly from R, though they refer without comment from their discussion to Mr. Hubert Hall's in the introduction to the *Red Book*; and his conclusion is that it is not a copy of R. Liebermann only says "perhaps a copy of R" in his brief note in the *Neues Archiv*, x. 594, and nothing more in *Ueber die Leges Henrici*, p. 11. If H were a third copy of Y, which is the alternative, then even bad readings might be of some value, but it seems definitely proved that

nothing is to be learned from it. In the readings on the first page of the text we have references to N² and N corr., and shortly after to N³, R corr., and C corr., but the introduction gives no account of the character or date of the work of the correctors.

Sixteen passages are bracketed as interpolations although they occur in all the manuscripts. In all cases, therefore, the argument against the passage is what may be called subjective. In the majority of cases it is that the passage interrupts the argument of the author. There will be room here, of course, for difference of opinion. For the longest of these passages, one of half a page on p. 63, the argument seems satisfactory, but for the important passage on p. 67 (I. iv. A.) it is hardly convincing. This is the passage in which the writer alleges the absence of all reference to the blanch-ferm in the Domesday Book as an answer to that argument for the early existence of the exchequer which is based on the fact that peasant holders of land know by tradition all about blanching money. The statement that the blanch-ferm is not mentioned in the Domesday Book is certainly untrue, but that fact hardly serves to prove to us that the author of the rest of the book did not write this passage, nor is it quite conclusive to say that the merest glance at the volume would disprove it when we remember that Bishop Stubbs in the last edition of his *Constitutional History* (I. 408, n. 1) expressly agrees with the statement. With the editors' second point, that the passage is not pertinent to the argument, we may disagree entirely. "The memory of the cultivators," says Richard, "only shows that the blanch-ferm goes back to Saxon times, not that the Exchequer does, but in reality the fact seems to be opposed to those who assert this because the blanch-ferm would certainly have been mentioned in Domesday Book had it been in use." All rejected passages are printed in the text and marked only with brackets, so that the student may easily form his own opinion in each case.

All chapter headings and chapter divisions are omitted from this text, and the editors conclude definitely that they formed no part of the original, but here also the argument is incompletely stated in the introduction and must be worked out in detail from text and notes in order to develop its full strength. Nor is it then entirely convincing. The editors say, "the body of the treatise contains one reference to a chapter heading" (I. x. C. "in titulo de libro judicario"), but so far as appears the reference at the end of II. ix. is rejected from the text only because it is a chapter heading, and the reference in I. vi. B. is not bracketed in the text nor criticized in the notes, while even if the phrase "in agendis vicecomitis" refers to the whole of the second book, this does not prove that no chapter titles existed in the original. Nor have I found any reference to the fact that while "R and C are the only MSS" containing the chapter headings, blanks for them all are left in N (Liebermann, *Einleitung*, p. 7).

While one is in a complaining mood, the notes deserve attention. It is hard to forgive the placing of them at the end of the text. This practice is excusable only in a book for popular use where it is feared

that the notes will distract the reader's attention. In a book primarily intended for the student it simply wastes time, and to this charge of wasting the time of other students, which the scholar surely ought to wish to avoid, the editors have rendered themselves doubly liable by not printing the page numbers in the notes in a type that will quickly catch the eye.

I would not be understood, however, to imply that the balance of the account stands on the debit side when it is all made up. We have far more to be grateful for than to find fault with in this book. The heaviest charge amounts to no more than to say that the editors have been too sparing of words in proving their conclusions. And even this does not apply to the historical portion of the introduction, which occupies 44 out of 53 pages and gives in detail the procedure of the exchequer, differing in some particulars from the account of the same matter given in the introductory volume of the series published by the Pipe Roll Society.

GEORGE B. ADAMS.

Historical Introductions to the Rolls Series. By WILLIAM STUBBS, D.D. Collected and edited by ARTHUR HASSALL. (New York: Longmans, Green, and Co. 1902. Pp. v, 534.)

FROM the point of view of the general history of England the introductions by the late Bishop Stubbs to the volumes of the "Rolls Series" which he edited are the most valuable of any in the series. They form almost a continuous history of England from the accession of Henry II. to the death of John, full of detailed descriptions of characters and events, and they also discuss in text or notes many important problems. It was a useful thought to put these introductions at the service of the general public by bringing them together in a single volume.

While, however, their mere republication as we have it here is welcome, it is greatly to be regretted that the editor should have confined his editorial duties within such narrow lines. A page and a quarter of preface and five pages of index include his entire contribution to the book. He has not added a note of his own, nor modified a note of the original. References to the best editions of particular sources in print at the time of the writing stand unchanged, though numbers of these have since been superseded by new editions. The bibliographical references are left in a form which is often deceptive, sometimes almost absurd, as in the note on the Pipe Rolls in print (p. 129). The entire literature that has appeared in the period since the original publication is passed over without mention, and the reader would never suspect from anything in this book that new light had been thrown on many of the problems discussed, or that in at least some places the author would surely have reached other conclusions, or phrase differently the statement of his views if he were writing now. It is detracting nothing from the great service which these introductions rendered in their time to the true understanding of English history to say that no one can regret their republication in this form more deeply than Bishop Stubbs himself would have

done. It is particularly to be deplored because the public, to whom the book is chiefly addressed, is so ready to take its history on the authority of great names. Examples abound which might serve as models of the proper sort of editing for such a republication, as, for instance, the editions of the later volumes of Waitz's *Deutsche Verfassungsgeschichte*, which have been published since the author's death.

Disappointed in the body of the book, one turns to the index in the hope that in this he may find the guide he has so often desired to the discussion of men and events scattered through these introductions, but only to be disappointed again. It is difficult to speak with any patience of so inadequate an index. Apparently, the intention was to include the names of all persons of first rank, but in what way could the editor be sure that his judgment would be in accord with that of the reader? Most names of persons of lesser importance are omitted, but a few are inserted, though on what principle it is impossible to say. Errors and omissions occur even under the names admitted to the list, and I hardly expect any one that recalls some of the foot-notes in these introductions to credit the statement that the notes have not been indexed at all. In a few instances a name in the text leads through the index to a note, but otherwise no help is furnished in getting at some of the most valuable portions of the book.

It is possible that the editor may have found his excuse for abandoning his task in the size of the volume, which as it stands is certainly a large book, and one dislikes to object to a choice which includes in this accessible form the essay on St. Dunstan and those on Edward I. and Edward II., though these last are of comparatively little value. If these three had been omitted, however, the book would have had greater unity than it has, limited as it then would be to the reigns of Henry II. and his sons, and the space thus saved for editorial comment and a satisfactory index would have been ample to make the book what it ought to be. Or almost the needed space might have been obtained if the publishers had been persuaded to drop the wholly abominable practice, in which they are chief sinners, of binding up a catalogue of their publications with books of this kind.

Taking all together, one examines this book with mingled feelings. It is a matter of rejoicing that these interesting and valuable essays are brought together into a single volume easy to be procured by any one. It is a matter of great regret that they are not put into a form which would render them as useful to a new generation of students as they were to the generation which had the advantage of their first appearance.

GEORGE B. ADAMS.

Beiträge zur Geschichte des spanischen Protestantismus und der Inquisition im sechzehnten Jahrhundert. Nach den Originalakten in Madrid und Simancas bearbeitet, von DR. ERNST SCHÄFER. (Gütersloh: C. Bertelsmann. 1902. Three vols., pp. xvi, 458; iv, 426; iv, 868.)

THE infinite historical wealth of the Spanish archives is gradually being utilized, but rather by foreign than by native scholars. Liberal as the government has been in throwing them open to seekers after knowledge, the vast masses of documents seem to exercise a paralyzing influence. The papers connected with the Inquisition alone are enough almost to benumb ambition. Don J. T. Medina, of Chile, is the only one of Spanish race who has sought to penetrate systematically into their secrets, and he has made good use of the results in elucidating the activity of the Holy Office in South America. In a more desultory fashion Padre Boronat and Don Manuel Danvila y Collado have used the archives to illustrate the history of the Moriscos, and Don Marcelino Menendez y Pelayo that of the heretics; Don Manuel Serrano y Sanz has also done good work of late in printing and analyzing documents illustrative of the early prosecutions of Illuminism and Mysticism; but it is to a learned German that we owe an illuminating view of one brief episode in the career of that institution, drawn from an exhaustive examination of the original documents.

The sudden development of so-called Lutheranism in Seville and Valladolid in the sixth decade of the sixteenth century and its prompt and stern repression have elicited an amount of attention on the part of Protestant writers vastly disproportionate to the real importance of the matter. It suited, at the time, the interest of the government and of the Inquisition to exaggerate the danger to the faith, and sympathizing historians have accepted and augmented these exaggerations, while indulging in exuberant rhetoric over the so-called martyrs. Dr. Schäfer has rendered a real service by searching among the records for such documents as remain concerning these events; he has studied them in every detail with true German thoroughness; and, while not concealing his personal sympathies as a Protestant, he has presented the facts in the clear, dry light of history. Before a scientific investigation such as this the legends of Gonzalez de Montes, transmitted by Llorente to McCrie and succeeding writers, shrivel into their proper proportions.

In his first volume Dr. Schäfer gives a sketch of the procedure of the Inquisition, followed by a clear and detailed account of the two little Protestant conventicles of Seville and Valladolid, which were discovered in 1857 and 1858. For these his materials are drawn almost exclusively from the records which he prints in the second and third volumes, partly in full and partly in abstract. His portion of the work is pervaded by a thoroughly sane and scientific spirit, while ample references are given to the documents on which the statements are based. Possibly a more extended acquaintance with the operations of the Inquisition might have

led him to entertain a more unfavorable conception of its methods and to judge it less leniently, but, if he errs, it is on the right side, and his work will serve to correct some of the exaggerated notions popularly current. Similarly, his account of the persecution itself and of its unfortunate victims will dispel many illusions. The latter were neither so numerous nor such martyrs as they have been represented. The number of Spaniards involved in it, more or less infected with Lutheran heresies, did not exceed two hundred in all. For the most part their convictions were but lukewarm; almost without exception, when on trial they commenced by denying their faith, and ended by abjuring it, while they cheerfully denounced and gave evidence against their associates, in the hope of winning the favor of their judges. It is true that quite a number who confessed and recanted were executed, in virtue of a special papal brief authorizing the denial of mercy to those who sought reconciliation to the Church, but the sum total of real martyrs who steadfastly adhered to their faith can almost be counted upon the fingers of one hand. The relations of the autos de fe are somewhat obscure upon this point; recantation, even at the last moment, earned the privilege of being garroted before the fagots were lighted, and few there were whose convictions and moral fiber could endure the awful strain. Abbot Illescas, a contemporary, tells us that in the successive autos de fe at Seville there were forty or fifty Lutherans put to death, of whom four or five suffered themselves to be burned alive. Comparing this with the simple record of the Scillitan Martyrs or with the eagerness of the medieval Cathari to be burned, one cannot fail to recognize that the Lutheranism of the sufferers was mostly of no very ardent nature.

The scientific character of Dr. Schäfer's labors suffers somewhat from the necessity which he seems to have felt of assuming a polemical attitude towards Pastor Fliedner and others who still insist on the magnitude of the Protestant movement and the self-devotion of its partakers. This was wholly superfluous, for Dr. Schäfer's facts speak for themselves and are unassailable. It has moreover led him to the unfortunate mistake of presenting his documentary proofs, not in the original, but in a German translation. This has involved no trifling labor, the reason alleged for which is that a knowledge of Spanish is not common in Germany, and he desires evidently that all his readers may be able to verify his assertions, overlooking the danger that his opponents may call in question the accuracy of his translations. Apart from all this, all scholars want to have the *ipsissima verba* and there is a natural hesitation in relying upon what has passed through another mind. From such opportunity as I have had of comparing Dr. Schäfer's versions with the original documents, I have full faith in the fidelity of his work, but when a conclusion is to be drawn from some delicate shade of meaning one likes to feel sure that nothing has been unconsciously lost in the rendering into a wholly different idiom. This, however, detracts but little from the value of a work which will remain a necessary source for all who treat of this phase of the Reformation.

Dr. Schäfer has confined himself so rigidly to the limits of his title-page — the history of Spanish Protestantism in the sixteenth century — that he has refrained from an exposition of its most important feature — the influence which its appearance and repression exerted on the fortunes of Spain. It came when the Inquisition was in a decadent condition. Valdes, the wretched inquisitor-general, was discredited and on the point of disgrace. The spectre of Protestantism not only saved him, but enabled him adroitly to secure for the Inquisition a power and an assured financial position which it had never before enjoyed. No one who soberly reviews the religious condition of Spain at the period can imagine that the little band of Protestants could have exerted any important or lasting influence or have given rise to any serious trouble, but the alarm which was sedulously spread gave to the Inquisition the opportunity of posing as the savior of society and led to the adoption of a rigorous policy of non-intercourse with neighboring nations which contributed largely to the intellectual and commercial stagnation of Spain and conserved its medievalism up to the period of the Revolution. This is the lesson to be drawn from the dismal story, and it is this which invests the transient appearance of Protestantism with its only real importance.

HENRY CHARLES LEA.

The Merchant Adventurers of England. Their Laws and Ordinances, with other Documents. BY W. E. LINGELBACH, PH.D. [Translations and Reprints from the Original Sources of European History. Second Series. Vol. II.] (Philadelphia: Published by the Department of History of the University of Pennsylvania. Longmans, Green, and Co. 1902. Pp. xxxix, 260.)

THIS publication is a significant contribution to the history of the Merchant Adventurers Company. The bulk of the work is taken up with a reprint of the Laws and Ordinances of the fellowship from the only copy known to be extant, a manuscript folio in the British Museum. Of the remaining documents, some are already in print, but their rarity or illustrative importance justify their inclusion in the present collection. The preface and the brief introduction indicate the present status of investigation on the subject, and present a meaty and scholarly account of the history and organization of the company. It is refreshing to note that we are told in a frank and straightforward fashion just what is known and what is not. Dr. Lingelbach's general conclusions are that the views of ordinary writers, particularly as regards the origin of the company as a corporate body, do not altogether accord with the facts, and that its activity was wider and of longer duration than is generally supposed. Although considerable material has been brought to light in recent years, much remains obscure because the private records of the company have not been found, and because so little attention has been paid to its history from the close of the seventeenth century, after it lost its English monopoly and transferred the center of its operations to Hamburg. On the latter point Dr. Lingelbach himself supplies new information.

As to particulars, he shows, and apparently for the first time, that the British Museum folio of the Laws and Ordinances is not the original drawn up in 1608 by Wheeler, the company's secretary, but a copy dating from 1611. The editor rejects the generally accepted view that the foundation of the fellowship rests on the charter of 1407, on the ground that that instrument did not distinctively apply to the special body of merchants afterwards known as the Merchant Adventurers Company. Its definite organization, he maintains, dates from the charter of 1505, although the body was officially but indirectly recognized by the act of 1497. It is to be regretted that the charter of 1505 is not printed along with the other evidence. Another point which Dr. Lingelbach does well to emphasize, although it should be evident to readers, for instance, of Professor Gross's account (*Gild Merchant*, I. 148-157) is that, while composed of English traders, the seat of government was from the first not in England, but on the continent. There is an interesting account of the rivalry between the Staplers and the Hanse League; but for the benefit of the lay reader a clearer definition of the distinction between the former and the Merchant Adventurers would have been acceptable. In discussing the relations with the Hanse, and in the account of the political activity of the fellowship in the struggles between Crown and Parliament, there are instances of repetition which could have been avoided in such a brief treatment. Moreover, the influence of the company as a factor in the latter issue seems to be thrown into somewhat exaggerated perspective. In this connection it should be noted that since the appearance of the present work Mr. Firth has shown in his articles on "Cromwell and the Crown" (*English Historical Review*, August, 1902, and January, 1903, particularly January, p. 54) that Sir Christopher Packe, governor of the company, was not "the prime mover in the Ordinance of 1656" (XXI. 247). Although he introduced it, he was simply the instrument of others.

There are a few slips in proof-reading; for example, 1464 (p. xii) should be 1564, and Rushwood (p. 34, note) must undoubtedly be Rushworth. Again (pp. 194, 195) we are not informed why there is a jump from page 171 of the folio to page 200. A glossary or an occasional note explaining such unusual words as "broake" would have been desirable. It is pleasant to learn that a bibliography of the sources with a critical and descriptive account of those which are most important may soon be expected.

ARTHUR LYON CROSS.

The Naval Miscellany. Edited by JOHN KNOX LAUGHTON, M.A., P.N., Honorary Fellow of Gonville and Caius College, Cambridge. Vol. I. (London: Printed for the Navy Records Society. 1902. Pp. xi, 463.)

LIKE other publishing societies, the Navy Records Society has found that besides its longer pieces, fit to constitute separate volumes, it has accumulated a number of documents too short for such use, but which nevertheless it wishes to print. Accordingly, as its twentieth volume

it prints a volume of miscellany, edited by its secretary. Some of the contents are of more than simply professional interest.

"The Book of War by Sea and Land, anno 1543," by Jehan Bytharne, is a brief account of the decorations of a ship of war, and of the signals then in use in the French, and perhaps also in the English navy. It has close relations with Philippe de Clèves's "Briefve Instruction de toutes Manières de Guerroyer," first printed in 1558 but written earlier, with a similar tract by Antoine de Conflans, and with the code of signals issued in 1517 by Charles V. for his first voyage from Flanders to Spain, printed by Captain Fernandez Duro in the first volume of his *Armada Española*. Next follows a somewhat important "Relation of the Voyage to Cadiz in 1596," by Sir William Slingsby, commissary-general of munitions. Mr. Julian Corbett explains how Slingsby's position as a friend of Raleigh rather than of Essex, yet a soldier and not a sailor, makes him impartial as between the two quarreling factions in the expedition, and gives his narrative value. It is accompanied by a facsimile of a remarkable and unique engraved chart of the Cadiz action, and by others which give the earliest exhibit we have of the system of squadronal flags. Then follows a translation of an unimportant Portuguese tract on Hawke's action in Quiberon Bay in 1759; and then, much more valuable, the journals of Captain Henry Duncan, who commanded the *Eagle* on the American coast in 1776-1778, the *Medea* in 1780 and 1781, the *Ambuscade* and the *Victory* in 1782. Duncan supervised the landing of British and Hessian troops which preceded the battle of Long Island, and gives many interesting details of the naval operations around New York and in Delaware Bay. The editor declares in a foot-note that "George Washington, Esquire," was at that time the ordinary English way of addressing officers of even the highest service rank, naval or military. Duncan's cruises in the *Medea* give interesting glimpses of American privateers; while his position as flag-captain in 1782 gives a peculiar value to his account of the relief of Gibraltar and the rencounter off Cape Spartel. It is, I suppose, an error to say (p. 123) that the form Brookland was at that time commoner than Brooklyn, for the name of the Long Island village.

Perhaps the most important letters in the volume are those which come from the papers of the first Lord Hood, especially those which state to Sir William Hamilton the embarrassments which Hood encountered at Toulon from the presence and conduct of the Neapolitan commander, Forteguerra, and those which explain Hood's supersession from the Mediterranean command in 1795. Interesting also are the letters of George III. to Hood, relative to the placing of the King's third son, afterward William IV., in the naval profession. The letters of Captain the Hon. William Cathcart, 1796-1804, are slighter in quality. Of the extracts from the journal of Thomas Addison, a minor officer in the service of the East India Company from 1801 to 1829, the most interesting part is that which relates to the capture of his ship by the *Marengo*, Admiral Linois, in 1805. Then follow a few papers on the seizure of Helgoland in 1807,

and finally a series of individual letters. Of these the most interesting are certain from Nelson, chiefly at the time of his service under Sir Hyde Parker before Copenhagen. Writing to a Jamaican friend in 1805, and speaking of the British possessions in the West Indies, he says (p. 439): "Neither in the field or in the senate shall their interest be infringed whilst I have an arm to fight in their defence, or a tongue to launch my voice against the damnable and cursed doctrine of Wilberforce and his hypocritical allies; and I hope my berth in heaven will be as exalted as his, who would certainly cause the murder of all our friends and fellow-subjects in the colonies."

American readers will be interested in the letter of Andrew Paton, pilot, of Pittenweem, who was enticed on board of Paul Jones's ship off the Isle of May, and remained there two months, including the time of the action between the *Bonhomme Richard* and the *Serapis*; also in a letter from a certain Lieutenant William Jacobs, who was at Boston in 1754, and served with the provincials in Acadia. He says (p. 403): "There is one thing in this part of the world, and that is the unkind behaviour of the regulars to the irregulars. Most of the officers are men of fortune in New England, and have left their estates to serve their king and country. The resentment has run so high that I believe the New England troops will not serve nor join the regulars any more; and perhaps will not serve at all, which will be a great loss to the Government; for the Americans are a brave, honest people. I do not pretend to say whose fault it is; but this is certain, it ought to be looked into, as these troops are all volunteers no longer than for a year."

J. FRANKLIN JAMESON.

The Naval Tracts of Sir William Monson. Edited by M. OPPENHEIM. Volumes I. and II. (London: Navy Records Society of Great Britain. 1902. Pp. lxvi, 395; 395.)

SIR WILLIAM MONSON, the first English seaman to write upon naval affairs, was regarded as the most distinguished naval expert of his time, and that time was the most stirring and momentous in the naval annals of England. These *Tracts* are a brief historical survey of the naval operations undertaken between 1585 and 1603, with a mature criticism of their plan and conduct. The author had known and served with all the famous English sailors of that day, and he wrote for the express purpose of giving light and guidance to those who were to come after him. These papers, therefore, can hardly fail to interest the general reader and are of deep interest to the naval student. These two volumes contain the first of the six books of these celebrated *Tracts*.

In 1585, when seventeen years old, young Monson ran away to sea, which was a usual mode of enlisting in that adventurous time. Helped no doubt by family influence, he gained rapid advancement and was a vice-admiral in 1602. That he was a trusted counselor and a bold and wary fighter is sufficiently attested by the following incidents. In the attack upon Cadiz in 1596 Monson successfully urged upon Essex

immediate entry into the harbor and headlong attack upon the shipping before attempting a landing. Again, in 1597, by his advice, which was expressly sought and given in writing, Essex was dissuaded from making the contemplated attack upon the shipping and harbor of Ferrol. Still further illustration is given by his midnight adventure at sea near the Azores, when he put off from his ship in a small boat to speak a Spanish fleet of twenty-five sail, in the hope of luring them on to chase and capture. Of this amusing adventure let him tell: "He commanded his master, on his allegiance, to keep the weather-gage of the fleet, whatsoever should become of him; and it blowing little wind he betook himself to his boat and rowed up with this fleet, demanding whence they were. They answered, of Seville in Spain, and asked of whence he was. He told them, of England; and that the ship in sight was a galleon of the Queen of England's, single and alone, alleging the honor they would get by winning her, urging them with daring speeches to chase her. This he did in policy, hoping to entice and draw them into the wake of our fleet if they should follow him, where they would be so entangled as they could not escape. They returned him some shot and ill language, but craftily kept on and would not alter their course to Terceira."

Like the story of Salamis to the Greeks is the story of the invincible armada to men of the English race. *Flavit Deus et dissipati sunt*, the cry of mingled triumph and thanksgiving, has long been taken as explanation, in part at least, of the great armada's failure. The true account of that ambitious undertaking is an epitome of the art of naval warfare, and Sir William Monson's opinions will receive ample illustration and adequate test by applying them to the conduct of that invasion and its repulse. He held that if the Spanish fleet had strictly obeyed its instructions to hug the coast of France in proceeding northward, it would have evaded the English, effected the desired junction with the Duke of Parma, and could then easily have succeeded in invading England. He says that but for the information given by a chance scout the English fleet would have been surprised and perhaps destroyed in Plymouth harbor; and surprise confers an overwhelming military advantage, which must be sought by maintaining the utmost secrecy, as it must be guarded against by exercising the greatest vigilance and by acquiring information by all possible means, as from scouts, spies, and otherwise. The possession of a secure harbor for an advanced base he holds to be an absolute necessity to successful invasion: no open roadstead is suitable, because subject to attack by special vessels, such as fire-ships (as befell the Spaniards at Calais). He thought that the proper place to fight the Spaniards was on their own coast; in other words, that the true defense must be offensive. In his opinion, the superior speed and skilful handling of the English ships conferred the greatest tactical advantage that could be desired on the sea. Ship endurance, the ability to keep the sea for a long period with the supplies carried, was recognized as of the utmost importance: this was shown by the inability of the English to continue on the Spanish coast just before the armada sailed, or to follow up the Spaniards after the vic-

tory off Gravelines, owing to the urgent necessity of revictualing and of replenishing the supplies of ammunition. He states that it is idle to hope for any decisive advantage in naval engagements without a decided superiority of ships: this is much the same as Nelson's "numbers only can annihilate." His experience convinced him that ships might properly dare to run past forts, if only the run were made at speed. He explains how a reasonably effective system may be devised for scouting, intercepting, gaining and keeping touch on the high seas, and steadily insists upon its great importance. Finally, he recognizes that wisdom, experience, and seamanlike skill may all come to naught through the chances and hazards of the sea.

Excepting only his belief in the possibility of successful invasion without first destroying or neutralizing the opposing fleet, all the above quoted opinions of Sir William Monson are accepted as true to-day, and they have been abundantly confirmed by the practice of great English seamen during the past three hundred years.

James the Sixth and the Gowrie Mystery. By ANDREW LANG. (London, New York, and Bombay: Longmans, Green, and Co. 1902. Pp. xiv, 280.)

THOSE who are not interested in the minute study of the problems of individual character, or who do not care to master details which, however intricate, "throw strange new light on Scottish manners and morals," will probably content themselves with the more summary and less picturesque treatment accorded the theme in the second volume of the author's *History of Scotland*, to whose thorough preparation the Gowrie monograph bears witness.

The present work would not have been written had Mr. Lang not obtained many unpublished and hitherto unknown manuscript materials. By their use he becomes the first to solve conclusively certain parts of the enigma, while in other directions his critical power appears to lead him further toward ultimate truth than any of his predecessors have gone. Much remains mysterious and conjectural, but the balance of fact and probability inclines decisively toward the innocence of James and the guilt of the Ruthvens.

Of the existence of a Gowrie plot Mr. Lang leaves little or no doubt; its precise aim must remain a matter of conjecture. He himself believes that the affair was the "desperate adventure of two very young men," who conspired to lure the king from Falkland to Perth by the tale of the pot of gold, there to kidnap him, convey him to Gowrie's castle of Dirleton near North Berwick, thence to impregnable Fast-castle, the stronghold of Logan of Restalrig, and "see how the country would take it." Kidnapping the king had become almost a family habit with the Ruthvens; it would gratify ambition and revenge, and was generally regarded, perhaps, as a harmless constitutional procedure not deserving of death. If there was no attempt to kidnap, Mr. Lang thinks there was no plot.

The new material at Mr. Lang's command concerns both the Gowrie conspiracy proper and its sequel, the Sprot-Logan affair. Believing rightly that the "infamous conduct of the Scottish Privy Council in 1608-9 does not prove that, in 1600, the king carried out a conspiracy in itself impossible" and which required for its success the coöperation of Gowrie himself, Mr. Lang makes the complete separation of the two a structural feature of his work. The new sources on the Gowrie conspiracy were found in the London Record Office!

A letter of December 5, 1600, from Nicholson to Cecil introduces a new character, Robert Oliphant, Gowrie's trusted retainer. The evidence, if accepted, proves that Gowrie had formed the plot as early as February or March, 1600, when he was in Paris; that he there asked Oliphant to play the rôle of turret-man, but was evaded; that Henderson was the man in the turret, had been trained by Gowrie to the part, but "fainted." Mr. Lang considers that Oliphant, "though entirely overlooked by our historians, was probably at the centre of the situation." The reader must decide for himself.

The "Vindication of the Ruthvens," printed in Appendix B, is a document long desired by historians. This sole constructive attempt at a consistent defense "destroys itself by its conspicuous falsehoods," and shows how very poor a case was the best the contemporary author could produce. Its evidence is also damaging, because on points of great importance it clashes with modern apologists. In particular, it admits the presence of Henderson at Falkland, and it omits to make capital out of the presence of the Murrays in Perth, as proving a royal conspiracy. It ignores their very existence.

Apart from the new evidence, the validity of Mr. Lang's conclusions with respect to the affair of 1600 depends upon his demonstration of the credibility of the King's witnesses by disproving the assumption of wholesale perjury. His case is strong. Their trustworthiness is defended on the broad ground that men not too dainty to take part in a conspiracy would not be too dainty to refuse to swear to essential points in the government's case,—yet not one deposed to Henderson's presence in Falkland. Further, Robertson, the Perth notary, who swore in September that he saw Henderson emerging from the readiest staircase to the turret, did not repeat this testimony in November, which might imply that perjury "was rather repressed than encouraged." That James published Henderson's narrative with full recognition of its variances from his own is well known. Lennox's credibility is of peculiar importance, for if James told Lennox, before reaching Perth, of the pot of gold, the theory of an accidental brawl is entirely destroyed. Why should Lennox swear falsely to the tale of the gold and refuse to swear to Henderson's presence at Falkland?

Mr. Lang accepts the King's narrative, with the exception of the murder theory, on the ground that it gives the sole explanation not demonstrably impossible; that it "colligates" all the facts and is corrob-

orated by them, while no other hypothesis produces coherency. "It cannot be rejected merely because it is unlikely."

Former writers on the Sprot-Logan affair have always reasoned from the unknown to the probable. The Haddington manuscripts place Mr. Lang upon a different footing. These documents, inherited by the present earl from his ancestor, Sir Thomas Hamilton, king's advocate at Sprot's trial in 1608, contain genuine specimens of Sprot's handwriting, letters and papers of questionable authenticity attributed to Logan of Restalrig, and—most important of all—the suppressed records of Sprot's private examinations before the Privy Council between July 5 and August 11, 1608,—all heretofore unused.

Among the Hatfield manuscripts are genuine letters of Logan. A comparison of their photographs with photographs of the alleged Logan plot-letters in the Edinburgh Register House, supplemented by the knowledge of Sprot's genuine handwriting gained from the Haddington manuscripts, proves incontestably that all the famous plot-letters are in Sprot's handwriting and none of them in Logan's. This solves a mystery of three centuries' standing.

The Haddington manuscripts attest the iniquitous proceedings of the Scottish Privy Council in 1608-9. By Logan's forfeiture Dunbar and Balmerino, who were indebted to his estate for purchases of land to the amount of 33,000 marks, escaped payment. The manuscripts show that at Sprot's trial the "government were the real conspirators"; that all the plot-letters were then in their hands, though none were produced; that Sir William Hart's public and official statement of 1608 was wilfully dishonest; and that the government at Logan's posthumous trial in 1609, having iniquitously suppressed Sprot's confessions, robbed Logan's heirs by producing as proofs of his guilt letters that Sprot had acknowledged to be forgeries of his own. There is nothing to show that James ever knew the details of Sprot's confessions, which, by the way, were studiously concealed from Archbishop Spottiswoode, himself a member of the Privy Council. Sprot forged the letters after Logan's death as instruments for blackmailing his executors.

The only documentary evidence that directly connects Logan with the Gowrie conspiracy is "Letter No. IV.," from Logan to Gowrie, dated July 29, 1600. This letter alone (a fact not heretofore known) Sprot never confessed to be a forgery, but stated that it was the model from which he forged the rest. This is certainly true. The letter as we have it is unquestionably in Sprot's *handwriting*, but from internal evidence Mr. Lang concludes—reasonably, as it seems to us—that its *substance* is genuine. If so, which is a matter of individual opinion, not knowledge, there was a Gowrie plot, and Logan was a participant. Sprot's confessions seem to contain grains of truth, and the Sprot-Logan affair therefore affords a strong surmise of the existence of a Logan-Gowrie plot, but adds no absolute certainty to it.

The entire matter—conspiracy, sequel, and evidence—is exceedingly intricate, and is one upon which opinions may still differ. In our judgment, however, critics will incline to accept Mr. Lang's verdict.

OLIVER H. RICHARDSON.

Historic Highways of America. By ARCHER BUTLER HULBERT. Vol. I. Paths of the Mound-Building Indians and the Great Game Animals; Vol. II. Indian Thoroughfares. (Cleveland, Ohio: The Arthur H. Clark Company. 1902. Pp. 140, 152.)

THE first feeling of the reader is that the two monographs of the series here presented lie too far in the remote haze of the prehistoric to be a fair test of the whole. Reference is confined to the Smithsonian reports of delving into mounds and early Indian works. These are supplemented by a few testimonies of "the oldest inhabitant" or pioneer remembrancer. The fact that the last part of the second volume, where the story comes so near the authentic beginnings of history as to concern travel into the trans-Alleghanian districts, impresses one as becoming more trustworthy is perhaps a good omen. When the author comes in later volumes to such present means of travel as the Erie Canal and the Cumberland National Road, no doubt this unsatisfactory uncertainty will become certainty and fact.

A certain disappointment will also be felt because the series promises to be rather a plea for the study of local highways than the fruits of such investigation. The task is described as "a long-neglected" subject; the pleasure of "such out-door occupation" is described; and possible candidates are assured that "the field-work required demands little or no expense and is not without pleasure and fresh romance." Such a plea that a given work should be done might properly have found audience in a monograph with a suitable title rather than in a series supposedly presenting the results of such labor. It is true that an exhaustive study of so vast a field would have grown to encyclopedic proportions; but the question is raised whether the result would not have been more satisfactory even with one topic thoroughly done. We should then have had a last word, a thorough and satisfying verdict, instead of a series of essays under the editorial "we," with comparatively few authorities consulted, a series which barely "blazes the way" through the woods of conjecture, leaving the surveyor and road-maker still to follow.

Another result of beginning the series at such an early stage, or making it so extensive that the commencement must be almost prehistoric, is that the author is compelled to assume the pre-defensive. Instead of instructive statement, he is forced into argument and pleading. "Perhaps," "possibly," and "it is probable" are the fruits of the comparative method in history. Such words as the following illustrate the author's method: "Fortunately, one last piece of evidence which will more than make up for any lack of conclusiveness which may be laid to the charge of the preceding arguments." It is to be hoped that this attitude may disappear from the later and less conjectural periods.

Occasionally the deduction from the arguments may be questioned. The maps of prehistoric remains in Ohio and Indiana, for instance, do seem to prove the thesis set forth that the builders lived in the river valleys; but the map for Illinois shows the larger number by far to be

located on the Mississippi River. Indeed, omitting those built beside the Mississippi and the Illinois, few are to be found within the state. It is also difficult to reconcile the limits of the feeding-grounds of the buffalo, as described in one place from "as far as the eastern extremity of Lake Erie" and "only in the upper portions of North and South Carolina did it extend beyond the Alleghanies," with the statement in another place that "the three great overland routes from the Atlantic seaboard into the Central West were undoubtedly first opened by the buffalo." Is it not more likely that the northern route, from the Hudson through central New York, was an exception to the rule, and this very exception caused it to be developed much later than the others? Another case of *non sequitur* is likely to be charged where testimony is introduced to prove that "a significant fraction of the ancient works lie [*sic*] along the general alignment of present routes of travel" and thereby that ancient and modern highways followed the same general routes. Were these not accidents due to the surveyor's compass, and the exception rather than the rule? Perhaps the most noted of the ancient works in the Ohio valley is the "Serpent Mound." It lies on a bluff and at an extreme point. No ancient way could possibly have passed through or even within view of it.

Where the author turns aside from the proof of his theories and writes of the early highways and the experiences of early wayfarers thereon, he writes very entertainingly. Even his own experiences in tracing old roads, contained in a chapter entitled "Leaves from an Explorer's Note Book," although many would have hesitated to insert it in that undigested form, are most readable. The difficulty here is that one can cover but a small portion of the United States in his individual experience. That the author lives in Ohio or is closely associated in his experiences with that state and has had access locally to the written experiences of early travelers in that state together with Kentucky and Tennessee is apparent on nearly every page of the second volume.

Even in this restricted field of investigation many interesting facts are brought out. The Indian trail always sought the high ground, where a firm footing might be obtained at all seasons. It crossed streams near the mouth, where sedimental bars afforded some relief from the deep waters. The choice of trails varied with the various seasons and such accidents as cyclones, forest fires, and floods. The author is inclined to believe that the "Indian rocks," the "Painted Post," and other devices supposed to have been employed by the aborigines to mark trails were inventions of the whites. The Indian was too well versed in wood lore to employ such artificial means of direction.

So well marked are the trails by indentation in the soil and by descriptions of pioneers together with local traditions that the author is able to classify them into hunting, war, portage, river, and trade trails. The five great trails which connected the Atlantic coast plain with the Ohio valley are located and described, chiefly by means of old maps, several of which are introduced with good effect. Other tabulated proof is in-

troduced to show that the old Indian trails became in convincing number the first military highways, furnishing another link in the author's chain of evidence to show the antiquity of present routes and that such routes dependent on topography have remained unchanged from the remotest time of travel.

It is perhaps allowable to raise the question whether subsequent volumes might be improved in style by dropping the mannerism of introducing so many quotations with the inverted phrase, "Writes a Kentucky historian," or "Writes Mr. Allen." The absence of the editorial "we" would assuredly conduce to a smoother diction, and the same result would no doubt follow a longer period of digestion and assimilation of the whole for the sake of harmony both of statement and of style.

EDWIN ERLE SPARKS.

The American Merchant Marine. By WINTHROP L. MARVIN.
(New York: Charles Scribner's Sons. 1902. Pp. ix, 444.)

THIS is a sketchy and interesting volume whose "declared purpose is to present both the romance and the history of the American Merchant Marine." It has few of the qualities of history, for facts and deductions tumble over one another in the most confusing manner. Again (p. ix) "the author, out of this experience, has reached some positive convictions of his own, but it has been his honest effort to make these pages interesting and informing rather than controversial." As hardly ten pages pass without urging some controversy in a passionate way, this unconsciousness of any historic sense is naïve, for the writer is candid. He opens with a spirited account of colonial ship-building and commerce, and the customary blundering condemnation of the Navigation Acts of Charles II. No other single cause helped the commercial and the whole industrial growth of New England so much as these Acts. He finds causes for the decline after 1720, but fails to notice the overwhelming cause in the enormous expansion of paper currency. He fails to describe the disastrous effects of the Sugar Acts.

In privateering, whale-fishery, and deep-sea fisheries the author is at home; and he brings out the true romance of the seas. The mail-ships and the clippers are depicted finely, and the high qualities of American navigators as well as ship-builders are duly set forth. The amazing statement is cited from the *New York Herald* that a "Black Ball liner" had "made 116 round passages in twenty-nine years without losing a seaman, a sail, or a spar" (p. 222). The Civil War in its inevitable consequences, and the change from sail to steam in the later nineteenth century, brought problems pretty difficult for all historians, and especially hard of treatment by our author's methods. The "ruin" of commerce, so freely ascribed to Toombs and his fellow-congressmen, had many causes, and the true results were not always apparent. Notwithstanding disasters from Confederate cruisers, our wooden fleet was pretty well sold. The capital of the Forbesees, Vanderbilts, and others brought fair returns, when laid down in iron rails, in spite of the "ruin."

In this connection we may, in accord with our author, note the splendid development of the steel schooner, or fore-and-aft sailing vessel, "for this very year 1962 has seen the launching of the greatest sailing vessel ever fashioned in America" (p. viii). Europe as well as America is feeling the scarcity of stalwart labor. The large sailing vessels of seven (why not nine or ten?) masts can carry cargo not only cheaper, but with less relative labor than any form of steamship. Doubtless she will make her way into most foreign ports, carrying among bulky exports coal or oil, which has not been burned away in great part to get its passage.

The necessary criticism in this review should not disparage such breezy sketches and collections of facts, however marshaled and arranged. We believe the author has not made one wilful misstatement of fact; the reasoning will impress each reader according to his preconceptions, and the patriotic romance appeals to all of us.

WILLIAM B. WEEDEN.

The Anglican Episcopate and the American Colonies. By ARTHUR LYON CROSS, Ph.D. [Harvard Historical Studies, Volume IX.] (New York: Longmans, Green, and Co. 1902. Pp. ix, 368.)

It is a pleasure to welcome so thorough and satisfactory a piece of work as Dr. Cross has done in his volume on the relations of the Anglican episcopate to the American colonies, and the efforts to have bishops established on this side of the Atlantic before the American Revolution. Dr. Cross has searched with diligence the available sources of information in England as well as at home, and the result is a treatise of commendable thoroughness, clearness, and completeness. The theme is one of decided interest from a political as well as from a religious point of view, since the intimate relations of Church and State in the mother-country gave to the questions involved, however ecclesiastical they might be in form, oftentimes no little political significance.

Dr. Cross shows that the first motion towards an American episcopate went out from the untiring activity of Archbishop William Laud. As part of his policy for the extension of the power of the Church of England over all Englishmen at home and abroad, he secured an Order in Council, in October, 1633, placing the English clergy of the churches of the Merchant Adventurers Company at Delft and at Hamburg under the jurisdiction of the Bishop of London. The author makes it evident that, while no authoritative action was taken to extend the Bishop of London's powers to the American colonies during Laud's lifetime, such extension was desired by him, and the precedent which was created by his action regarding the continental churches was the basis of the later tradition which associated the establishment of the authority of the Bishop of London over the English church in the American colonies with the reign of Charles I.

In the judgment of Dr. Cross, from the time of Laud to that of Bishop Sherlock the effort to establish an American episcopate ceased to

be of political importance and became purely a question of ecclesiastical organization and religious significance. Such attempts were made, from the Restoration onward to the early years of the eighteenth century, through impulses originating in England; but they excited very little interest. With the foundation of the Society for the Propagation of the Gospel in Foreign Parts, in 1701, however, the chief center of interest in the matter was transferred to America, and its missionaries labored indefatigably for the establishment of an American episcopate, supported to a considerable extent by the representatives of the society at home. Such an episcopate was on the eve of being founded at the death of Queen Anne, and the society went so far as to purchase a residence for the bishop at Burlington, N. J. Had it not been for the death of the Queen and the consequent change in the political situation of England, a bishop for America would have been appointed. With Sherlock's accession to the see of London, in 1748, Dr. Cross connects the incoming of a considerable political element into the situation, and from that time onward to the Revolution political motives complicated the question to a high degree.

Dr. Cross gives a careful résumé of the "Mayhew Controversy," 1763-1765; the "Chandler-Chauncy Controversy," 1767-1771; the "Newspaper Controversy," 1768-1769; and the "Conventions," 1766-1775. The arguments on the several sides, advanced in the often heated and personal pamphlets of this period, are summarized with great thoroughness, and the situation is presented clearly to the reader. From a purely religious point of view, the author makes it evident that the weight of argument rested on the side of those who desired the establishment of an episcopate, and the reasons advanced by them were often not sufficiently or justly estimated by their opponents; but he also makes it no less clearly manifest that the establishment of bishops in the American colonies by act of Parliament, under whatever restrictions, seemed a real political peril in the embittered state of feeling antecedent to the American Revolution, and no guarantee could be given which would be satisfactory to non-Episcopal Americans that the powers of an American episcopate, if established, however moderate at first, would not be increased till they resembled those of the bishops of the mother-country.

The author is no less successful in showing why the movement for an American episcopate, which enlisted so strongly the efforts of the missionaries of the Society for the Propagation of the Gospel in Foreign Parts and of several English prelates, won little sympathy from the English civil authorities. He says: "English statesmen saw that they had nothing to gain and everything to lose by involving themselves in the episcopal question. They knew that bishops with purely spiritual functions settled here would avail them little, and would arouse fully as much odium as an out-and-out state establishment; and, moreover, that the dreaded state establishment would be resisted in the colonies, not only by the Puritans, but by the major part of the Episcopalians themselves. Some writers, as we

have seen, maintained that native bishops would have created a bond of union between the colonies and the mother country which might have averted the war for independence ; but such a theory is untenable and was so regarded by those in authority at that time."

The extent to which the question of a colonial episcopate deserves to be reckoned among the causes of the American Revolution is examined by the author with a good deal of minuteness, and he comes to the following conclusion :

"Undoubtedly, there is something to be said in favor of the argument that the attempt to introduce bishops, and the opposition thereby excited, formed one of the causes of the Revolution. There can be no doubt that the opposition to bishops was based mainly on political grounds: this fact is indicated by the absence of any resistance to the establishment of an episcopate after the Revolution. Moreover, fear and hatred of the Church of England and all its appendages were existent in the colonies from their first foundation ; and the fact that the majority of the colonists professed a religion hostile, or at least alien, to the Anglican establishment afforded good ground for nourishing the seeds of political discontent. But, admitting all this, it must be apparent to one who has followed carefully the course of events, religious and political, during the eighteenth century, that the strained relations which heralded the War of Independence strengthened opposition to episcopacy, rather than that religious differences were a prime moving cause of political alienation. The religious controversies, accentuated and drawn into more public prominence, though not first called into being, by the existing political situation, had a reactionary effect, in that, once in full swing, they contributed, in combination with other causes, to embitter the minds of the patriots and thus to accelerate the impending crisis. Those, then, who argue that the episcopal question was a cause of the Revolution, if they mean an impelling cause, are exposed to the criticism of misconstruing evidence and of confusing cause and effect. Nevertheless, religious affairs were closely involved in the political questions of the time, and if the ecclesiastical causes of the Revolution were secondary and contributory rather than primary and impelling, certainly there was an ecclesiastical phase of pre-Revolutionary history of no little interest and importance."

The value of the volume is much increased by the collection of appended documents filling seventy-six pages, many of them being "transcripts of manuscripts in the Fulham Library, the British Museum, and the Public Record Office, London." It is to be regretted that the proof-reading of so scholarly a work might not have been more carefully done. One finds the "author of the celebrated *Analogy*" named *William Butler* (p. 122) and his eminent nonconformist contemporary described as *Dr. Joseph Doddridge* (p. 126). *Dr. Cross's* continual use of "Independent" and "Independents," for the historic religious polity of New England and its adherents, however common in Great Britain, does not follow the best American usage.

WILLISTON WALKER.

Rhode Island. Its Making and its Meaning. By IRVING BERDINE RICHMAN. (New York: G. P. Putnam's Sons. 1902. Two vols., pp. xiv, 266; iv, 295.)

WE are at last reaching the time when the interest and importance of early Rhode Island history can be fully appreciated. It is now possible to do justice to Williams, Gorton, and the Antinomians without depreciating the orthodox Puritans. Rhode Island can be valued for the many and varied tendencies which it contributed to colonial life, and for the intensely human personalities who shared in its history. A number of valuable monographs have cleared away obscurities which, owing to lack of accessible records, attached to some phases of the history of the colony. Mr. Richman has availed himself to the full of the labors of his predecessors, both in Rhode Island history and in that of New England at large. He has also brought to his task a ready sympathy and an attractive style. These qualities, combined with not a little original investigation and generalizing power, have enabled him to write an excellent book.

To say that it is the best book yet published on early Rhode Island history is to give an imperfect description of its value. Nearly fifty years have passed since Arnold published his work. Not since then has so ambitious a task been undertaken in that field as the one which Mr. Richman has just completed. Arnold was a laborious investigator, but really was little more than an annalist. The author of these volumes has sought so to group his facts as to make them illustrate the fundamental tendencies which were operative in the life of the colony. The controlling tendency was individualism. That manifested itself in religion in the form of freedom of conscience, and in politics in democracy and independence of the local political units. With due reference to these forces, the events of Rhode Island history, general and local, are traced until the death of Roger Williams in 1683.

Among the facts which are brought out with prominence in the volumes are the following: the diversity of origin and belief among the settlers of this colony; the radical type of belief which was cherished by nearly all of them; the possibility of their coexistence under one government only on the basis of perfect religious freedom. Coming to the development of their political system, Mr. Richman properly lays emphasis on the fact that Rhode Island was formed by the union of originally independent towns. He traces the early history of the towns and the process by which they were brought into union. In doing this he clears up some points in the early relations between Pocasset (Portsmouth) and Newport, and throws light on the career of William Harris in Providence. The Coddington episode also falls into its proper place in the general history of the colony. Respecting Gorton and the town of Warwick there was nothing new to be said. Little that is new is said about Roger Williams, but a very true picture is given of the part which he bore in the founding of Rhode Island. The author seems to be fully

aware of the limitations of the man as well as of his great excellencies. One, however, wonders whether Mr. Richman has ever carefully considered the question, What first prejudiced the magistrates and clergy of Massachusetts against Williams? Was it his attack on the patent or his defense of toleration? Upon this depends largely one's view of the justice of their conduct toward him.

Had Mr. Richman attempted a comparison between Rhode Island and the other New England colonies, he might have exhibited some of its characteristics in a light even clearer than that which appears in his pages. The lack of territorial unity in that colony, as compared with Plymouth, Massachusetts, or Connecticut, would have appeared in bold relief. Its constant struggle to maintain its territorial integrity would then appear partly as a natural incident of its location. It might also be seen that it was the effort to preserve this integrity, to save themselves from being annexed by their enemies, which forced the jarring elements within Rhode Island into union. Under the first charter union was not compulsory; it was only permissible. Nothing could be clearer than the contrast between the relations in which the towns stood to the colony in Rhode Island and their position elsewhere in New England. It was reflected, as the author has shown, in the methods of legislation under the first charter. Rhode Island was a confederacy of towns and for a long time after its settlement secession was a possibility. The bearing of this on the Coddington episode the writer might possibly have made a little clearer.

But Mr. Richman has done his work well. His book is accurate and fair. His treatment approaches reasonably near to the standard of the present time and to the demands of the subject. He has wrought into his picture all the salient features of early Rhode Island development.

HERBERT L. OSGOOD.

The History of Enfield, Connecticut, compiled from all the public records of the town known to exist, covering from the beginning to 1850. Edited and published by FRANCIS OLCOTT ALLEN. (Lancaster, Pa.: Wickersham Printing Co. 1901. Three vols., pp. x, 1-912, index, lviii; 913-1904, index, cxxv; 1905-2653, index, lxxxix.)

THESE three handsome and massive volumes contain the entire documentary history of a Connecticut town. With these volumes at hand any one interested in local institutions could work out the development of town life in one particular community and could obtain a mass of evidence valuable not only for the study of local institutions as such, but also for the illustration of larger issues connected with the history of the state and the country.

Enfield owes this unique distinction of possessing her entire body of records in print to the devotion of a descendant of one of her leading families. Mr. Francis Olcott Allen, a retired business man of Philadelphia, desiring to raise a monument to the honor of the town of his

ancestors, has conceived this method of carrying out his purpose. He has certainly done a very unusual and noteworthy thing, for which every historical scholar will owe him thanks. Few will probably use the material here presented, but all will appreciate the example set. In devoting so large an amount of money to the preservation of historical records Mr. Allen has honored himself and the subject of history, as well as the town in whose interest he has planned this work. We can only wish that other men of wealth would follow his example and leave monuments not of stone but of volumes containing in print the perishable records of some particular locality. And furthermore we would wish that more of those who, like Mr. Allen, have a lively interest in some historical town or region would refrain, as he has done, from attempting to write that history themselves and would devote time and energy to the task of transcribing the old records and printing them without curtailment or abridgment.

Enfield was not one of the first group of Connecticut towns and therefore its career is not so important nor its evidence so valuable as would be the case had it been settled before 1660. It was settled from Springfield in 1683 and belongs to the third period in the history of the towns, when the circumstances attending the settlement had become more or less artificial. Worcester belongs in the same category. The basis of the plantation was not a religious and covenanted community, and the first settlers were not a church first and a land community afterwards. In Enfield the land community came first, lands were granted under conditions drawn up by a Springfield committee, and as it happened scarcely one of the original grantees actually settled on his grant. For ten years this committee governed the plantation, though in 1683 a constable had been chosen and a sort of civil organization erected. The next year the people organized themselves into a church and built a meeting-house, and finally in 1688 were incorporated as a town by the Massachusetts general court. Not, however, till 1693 did independent local government begin and were town-meetings regularly held.

In Enfield, as in Worcester at about the same time, the system of land distribution was more or less artificial in origin, but it conformed to the general plan prevailing throughout New England by providing for small, scattered allotments — home-lots, field-lands, and meadows — which distinguished the New England system so sharply from that of Pennsylvania, West New Jersey, Maryland, and Virginia. The committee controlled all land grants until 1692, and the "Committee Book" here printed is one of the most valuable parts of the work, from the social as well as from the agricultural point of view. From 1693 to 1711 a few grants were made and these by the town (pp. 131, 283, 285, 286, 289). But disorder and dissatisfaction led to the regaining of full control by the proprietors (pp. 315, 682), in Enfield always called, at first, commoners. A commoner was simply any one who possessed rights in the common and undivided lands of the town, and in giving to themselves a firmer organization during the years from 1711 to 1715 the commoners were

doing what a great many other commoners in Connecticut and Massachusetts were doing, rescuing their rights from the hands of those who, though inhabitants of the town, had no rights of property in the lands of the township. The Enfield records furnish one more proof of the fact that communal holding of land was unknown in New England. There were a few town lands (pp. 368, 396-7); there were lands which the town received from the colony, the sale of which it kept in its own hands (p. 344); there were other lands owned by the commoners, of which the town had the use for a certain number of years (p. 352); but there is not a trace of communal holding of land, in the usually accepted sense of the word, anywhere in these records. I doubt if it can be found in the records of any New England town. In the detail of their method of distribution and in the rights that they recognized the commoners of Enfield differ in no way from those of other New England towns. All the lands were finally distributed by the year 1734.

One of the most striking incidents in the history of Enfield, and one that gives its career a wider importance, relates to the "secession" of the town from Massachusetts and its union with Connecticut. Enfield lies to-day very near the northern boundary of Connecticut, yet for sixty-six years it was under the jurisdiction of Massachusetts. In 1702 Connecticut discovered that the old boundary line was wrong; and the Enfield people, apparently finding out that they lay within Connecticut's jurisdiction, voted "to yeld themselves under conettecott thir government" (p. 301). In 1710 Enfield was hopeful and voted to send one deputy to Boston but no more "except ym see good reason." But Connecticut was not ready to receive them, and for forty-five years the agitation continued. Connecticut was at this time involved in the effort to save her charter and in the struggle over the intestacy law and did not want to get into any trouble with Massachusetts such as to lead to an appeal to England. But Enfield was persistent: in 1740 she voted to join with Connecticut in order "to Injoy the Priviledges which of right belong to them." She sent one man to Hartford to see if Connecticut would "Except of us," others to the towns of Suffield, Woodstock, and Somers to persuade them to agitate also, and gave power of attorney to another to go about the colony for advice and to visit New Haven in order to influence the legislature. All these efforts show how badly Enfield wanted the municipal freedom guaranteed by Connecticut, and the greater civil liberties and independence from England that the Connecticut charter allowed. Finally, the intestacy question being settled and all danger of losing her charter being removed, Connecticut consented to receive the towns. Naturally, Massachusetts was angry, and had Connecticut accepted earlier the petition of the towns and had she attempted to draw them within her jurisdiction, she would certainly have got into trouble. Even as it was, Massachusetts refused to let the towns go and did not abandon her claim till 1804.

There are many other questions of interest to which attention might be called. Mr. Allen has printed the documents relating to the "Strict

Congregational Church of Enfield," one of which, a pamphlet, does not appear to have been known to the Reverend Dr. Means when he wrote his thesis in 1899 on this important phase of the "Great Awakening." There are indications here and there of the social and industrial activities of the people. In the town the majority of inhabitants were husbandmen, planters, yeomen, and laborers. There were also weavers, feltmongers, tanners, cordwainers, and shoemakers, carpenters, housewrights, and joiners, a dishturner, a ship-carpenter, a combmaker, a chairmaker, bloomers (iron-workers), coopers, and millers. There were no articles produced for export except turpentine; beef, pork, grain, and tobacco seem to have been leading staples for home consumption. These were current instead of money as late as 1770. All money was of course reckoned in pounds, shillings, and pence until 1796, when the word "dollars" appears, but the symbol \$ was not used until 1798. The first church bell appeared in 1784, the first town clock in 1791, seating the meeting-house continued till 1834. In 1811 lightning-rods were put on the church building. There were many deaths of "languishment," one of "hydrocephalus," many of "the rattles," and one of an "inscrutable disease in the head." The town officers were about the same as those of other towns, except the "key keeper," a term I conjecture to be the same as "pound-keeper."

Two quotations of more than local interest may well close this review. In 1770 the town sent an "agant, to attend at a General Meeting of Merchants and Landed Interests of this Colony with instructions to Consider Such Constitutional Measures as may be judged Proper for the removal of those Duties we Suffer from in Special Stedfastly to keep up the non Importation agreement and that the Violaters of it be Treated with Contempt particularly Shew Severest Resentment to the Conduct of New York" (p. 2516). On July 11, 1774, the town rose to the following height of eloquence:

"Then further taking into our Serious Consideration the present alarming situation of the British Colonies by an undue Exertion of ministerial and parliamentary power—which have a direct tendency to the destruction of the British Empire and if persisted in must Inevitably terminate in the utter subversion of our Constitution and total loss of american freedom. and While our hearts glow with the most filial duty and affection to our rightful sovereign king George the 3d and to his illustrious house, and we feel the warmest sentiments of Gratitude to those worthy Gentlemen whose noble and patriotick zeal has animated them with such Wisdom and firmnes to oppose the torent of oppression like a flood Rolling upon us we Cannot but Express our deepest Concern and Grief that men who are decended from the Natural and known Enemies to the Brunswick Succession and who inherit the Intrigue and malevolence as well as the honours and Estates of their ancestors should find such acces to the Royal Ear and by their Subtilty and disguise alienate his majesties affections from his dutiful and loyal subjects. and while we Consider that those who tamely submit to wear the shackles of slavery or behold with supine Indifference al that is dear to us and posterity wrested from us by force must be dead to the principle of self-preserva-

tion Callous to Every feeling of humanity and Criminally Regardless of the happiness and welfare of unborn millions, therefore, Resolved unanimously, that a firm and Inviolable union of the Colonies is absolutely necessary for the defence and support of our Civil Rights with out which all our Efforts Will be likely to prove abortive. that to facilitate such a union it is our Earnest desire that the Committees of the Several Governments meet in a General Convention at such place as shall be thought most Convenient as soon as the circumstance of distance and a Communication of Intelligence will possibly permit" (p. 445).

CHARLES M. ANDREWS.

Social New York Under the Georges, 1714-1776. By ESTHER SINGLETON. (New York: D. Appleton and Co. 1902. Pp. xix, 407.)

A happy, self-satisfied small town, where fashion was much considered, where the round of life rolled on comfortably and pleasantly, distances being short and social entertainment frequent, where there were nearly as good markets as in Philadelphia, almost as much education as in Boston, London modes a trifle late, and where wealth had nearly as great weight in fixing a standard as in Greater New York—such is the picture outlined in Miss Singleton's careful mosaic, put together with bits from ephemeral records. There is nothing haphazard in the author's selections. The morsels are chosen with judgment and discrimination, and so dovetailed that a fairly graphic whole is obtained. The work is painstaking and conscientious. Wills, inventories, private letters, and, above all, the advertising columns of newspapers have been called into requisition to furnish data as to manners, customs, and the methods of supplying their necessities. This kind of information gains value from its unconsciousness. It gives at least one phase of the truth as travelers give another. In connection with the latter, discrimination must be used to distinguish between real observations and those borrowed from an earlier commentator. As Owen Feltham's *Dutchman Epitomized* in the middle of the seventeenth century furnished a mine of epithets for many later tourists to Holland, note-book in hand, so here too, convenient and apt characterizations are sometimes found in use by the next comer. For instance, Kalm's description of New York in 1748 is evidently so much to the taste of some unnamed person who "spent a month in their metropolis, the most splendid town in North America," that he does not trouble to find new phrases. He is quoted as an "enthusiastic author" (p. 5).

The chapters on "Houses and Furniture" are enriched by illustrations showing many objects with pedigrees still treasured in various families. In this section it is to be noted how markedly the impress is English. The Dutch element had, apparently, almost disappeared.

In Part V., family portraits are most suggestive in the discussion of women's dress, and the advertisements, too, are brought into play and used with a good deal of skill. Evidently London fashions were in vogue here about four months after their first appearance in England.

Instructive too are certain theatrical notices. "June 13, 1751. Mrs. Davis hopes as the play is granted to enable her to buy off her time that ladies and gentlemen . . . will favour her benefit"; June 10. Mr. Jago "hopes that all . . . will favour him as he has never had a benefit before and is just out of 'prison'" (p. 274). Pity for redemptioners and ex-convicts was then demanded as a halo to enhance dramatic efforts!

A letter from Elisha Parker to his sister in 1743, accompanying the last two volumes of *Pamela*, shows that New York shared fashions of literature as well as of garments with London. "I think 'em by far the most proper books of any I ever saw for the youth of both, but especially of your sex . . . I have too good an opinion of you to think that the assistance of books is wanted. However the more virtuously inclined the mind of any person is, the more will it delight in hearing of virtue praised and this with the advantage that it will be got by reading a stile so beautiful and natural as the stile of *Pamela*."

From the composite nature of its being, *Social New York* lacks in literary finish, but it has real value as a study of conditions. Its sturdy quality is especially grateful because there has been a plentiful crop of popular works about New York, which have handed on from one to another a long series of half-true commonplaces and inaccuracies anent New Amsterdam and her successor, from unsifted and unweighed authorities. Better work in the field is refreshing. Moreover there is a pleasant definiteness about Miss Singleton's framework. Her picture is confined to the Georgian epoch, her figures are the well-to-do, her topic is their life, and of all her treatment is effective and suggestive.

RUTH PUTNAM.

Ecclesiastical Records of the State of New York. Published by the state under the supervision of HUGH HASTINGS, state historian. (Albany: James B. Lyon. 1901. Two vols., pp. xxxv, 744; xxviii, 745-1442.)

ALTHOUGH published under the supervision of the state historian of New York, the actual work of compiling and arranging this collection has been in the hands of the Reverend Edwin Corwin, D.D. The original occasion for the undertaking seems to have been the discovery of material relating to the Dutch Reformed Church in New York which escaped the researches of John Romeyn Brodhead, to whom students of the history not only of New York but of the American colonies in general are so deeply indebted. Owing to the efforts of Brodhead seven volumes of the correspondence of the classis of Amsterdam were examined and transcribed, and seven bundles of letters from the American churches were first loaned and afterwards presented to the general synod of the Dutch Reformed Church in America. At the time it was thought that these bundles included all the extant letters from America; but Dr. Corwin has found others in the archives of the classis of Amsterdam, among them two portfolios from New York. Furthermore, he has searched the minutes of the classis of Amsterdam, of the deputies of the

classis on foreign affairs, and of the synod of North Holland, as well as the archives of the general synod at The Hague. The editor states that he found very little relating to his subject in the archives of the general synod, since most of the American correspondence was carried on with the classis of Amsterdam and the synod of North Holland. Of these various sources Brodhead's agents appear to have gone through only the minutes of the deputies, and even here in the most cursory way.

On the whole, the additional material brought to light by Dr. Corwin contains very little that is of more than purely local and sectarian interest. But granting the desirability of its publication by the state, and lights upon our colonial history and conditions however faint and flickering are always welcome, one is compelled to ask why the editor and the state historian thought fit to put forth the new matter in its present shape, involved and pieced out with extracts from previously printed works. We are told that "the general plan of the work contemplated an ecclesiastical history of New York, embracing every denomination, each secular narrative told by a representative member of the denomination, from the earliest Dutch times. To that end copious documentary records have been taken and utilized, and in order to forge missing links to the chain, quotations from standard religious publications have been made." In comparison with this statement it is interesting to note that the first appropriation of the legislature in 1899 was "for the translation of copied documents in the possession of the ecclesiastical archives of Amsterdam and The Hague, relating to the colonial history of the State of New York, and for their preparation for publication." Dr. Corwin justifies the incorporation of other material as adding "but little to the bulk of the work" and making it more "unique and complete" as "Original Documents Relating to all the Religious Bodies of Colonial Times in New York and New Jersey." Certainly a very generous portion, and of this the most significant and valuable, is made up of a potpourri of extracts from such well-known and accessible works as the *Documents relative to the Colonial History of the State of New York*; *The Documentary History of the State of New York*; O'Callaghan's *History of New Netherland*; Brodhead's *History of the State of New York*, to cite only those most frequently drawn upon. Since only about fifty per cent. of the material in hand has been used, and since the records stop at the year 1701 without any evident reason or explanation, it would seem that the space taken up with fragmentary excerpts from documents which every serious student prefers to consult in extenso might have been devoted to including the new material up to the Revolution. It should be noted that the editor has been very conscientious in citing the sources of his borrowings.

A word or two needs to be said concerning the execution of the task. The documents, of which about one-third relate to the Dutch period, are arranged in chronological order under the heads of the respective governors. While the table of contents is careful and adequate, there is unfortunately no index. In the body of the work the references should have been in a type different from that used in the text. In gen-

eral, though volume and page are cited, one can note some curious lapses. For example, it is stated that the letter of Reverend Jonas Michaelis of New Amsterdam, written August 11, 1628, to Reverend Adrian Smantius (and others) of the classis of New Amsterdam (I. 49-68) has already been translated by Honorable Henry C. Murphy in 1858 and revised by Reverend John C. Fagg, of the Collegiate Church of New York, in 1896. But there is nothing, either at the head or at the foot of the letter, to indicate where the translation or original can be found. Likewise, letters from Reverend Caspar Van Zuuren, October 30, 1681, and from Reverend Rudolphus Varick, April 9, 1693, to the classis (II. 790-795, 1048-1053) lack specific references. We are to infer from a casual note that the latter has already been translated. There are, too, cases of vague or inadequate citations. For instance, there is a reference to Blackstone, p. 105, omitting volume and edition (II. 1080); and to *Patents* VII. 25 seq. and 82 seq., for the originals of the first charters to the Dutch Reformed Church in 1696 and to Trinity Church in 1697 without indicating further where they are to be found (II. 1136-1165). Finally, it is hardly sufficient to refer simply to the pages or sections of the *Council Journals* and the *Acts of Assembly*. Of the eight illustrations two are reproductions respectively of "an old manuscript," and of "an old manuscript from the Dutch Records." It would have added interest to state the particular manuscript in each case. The two volumes are tastefully bound in dark red and gold.

ARTHUR LYON CROSS.

The Administration of Dependencies. A Study of the Evolution of the Federal Empire, with special reference to American Colonial Problems. By ALPHEUS H. SNOW. (New York and London: G. P. Putnam's Sons. 1902. Pp. vii, 619.)

THE title of this book is somewhat misleading, for it does not deal with methods of administration, but with the theory of the relation of dependencies to the home government. The object of the author is to maintain the thesis that the United States together with its dependencies constitute a federal empire which is governed by the American Union as the imperial state; that the powers of the latter are not unconditional or unlimited, but dispositive and quasi-judicial; and that the clause of the Federal Constitution by which Congress is given power "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States," contains an exhaustive and well-reasoned theory of the administration of dependencies. To show that this view has always been fundamental in American politics the author adduces a vast amount of historical proof, so that his work might well be called a history of the theory respecting the relation of dependencies to the home government.

The author endeavors to prove that the idea of a federal relationship between colonies and mother-country, and the requirement of expert management in colonial affairs constituted the basis of the British system

during the colonial era. It was the departure from this system, in the attempt of Parliament to legislate unconditionally without any regard to the actual statehood of the colonies and without recurrence to expert advice, that drove the colonies to revolution. According to the author the logical basis of the position of the colonies throughout the negotiations preceding the struggle and throughout the struggle itself was the contention that the British imperial state refused to fulfill the duties of its quasi-judicial position, and that Parliament in attempting to exercise direct sovereignty over the colonies was negating the principle of federalism. When the Constitution was formed, the results of this experience were embodied in the clause cited above, which the author interprets as requiring that the Union should exercise its functions as "disposer of imperial affairs" through expert agencies rather than through the popularly elected legislature. In the word "dispose" the author sees, as he emphasizes again and again, the true definition of imperial power, which calls, not for legislation or command or any mere act of the will, but for expert management and careful disposition of the various relations and interests of the dependencies. This understanding of the federal relation was opposed by Calhoun and his party, as it was in their interest to treat the Union and its territories as a unitary state and to assume that the written Constitution was equally and completely applicable to all its parts, but in the *Insular Decisions* of the Supreme Court the view that there is an unwritten imperial constitution has been again recognized. On the basis of this historical argument the author concludes that the management of the affairs of dependencies should primarily be in the hands of the President, assisted by expert officials and by a council, and that Congress should confine itself to a general superintendence and should but rarely interfere by direct legislation. The "individual statehood" of the various dependencies should at all times be respected, as the policy of assimilation runs counter to our constitutional tradition.

The author's ideas respecting imperial obligations (Chap. XXVII.) are deserving of careful attention by American statesmen; and throughout the book very interesting and suggestive views as to the relations between mother-country and colonies, or imperial state and dependencies, are developed. But the historical part of the work suffers from being an argument to uphold the writer's contentions and views, statesman-like and broad-minded as the latter may be. The author uses the utmost legal acumen in drawing logical conclusions from the language employed by the many writers and speakers in the memorable struggle between England and the colonies, and from the phraseology of state documents. But it is difficult to avoid the feeling that he has very often allowed his acumen to carry him too far and that he is inclined to reason out certain conclusions from statements in which they are only possibly, not necessarily implied. The author has constructed a notable constitutional argument but his history is often rather that of the lawyer than of the historian. Still his thesis is of such importance and his views are of such interest that this book is valuable notwithstanding the fact that as history it is unconvincing.

As the author attempts to support a systematic and logical body of thought upon the diversified expressions of current political discussion, it will be well to note the character of the inferences which he is at times ready to draw. Thus on pages 154 to 158 we encounter the inference that the use of the word "needful" in the constitutional clause goes back to the expression "necessary and proper" in a book of 1765, and Stephen Hopkins is celebrated for having at the same time suggested the principles which underlie the expression "to dispose of." The author supposes Hopkins to have suggested an expert tribunal for the management of imperial affairs, whereas the extract cited simply urges some kind of representation in or before Parliament. The author often uses the words "plainly," "evidently," "obviously" in cases where he draws a specific conclusion from very general words; thus, for "plain suggestion" on page 166 it might be safer to put "possible implication." The letter of Dickinson quoted on page 181 does not necessarily imply that he was arguing specifically for expert government. In fact, the idea of expert government is emphasized by the author rather more than the historical evidence justifies. That King George in 1787 was fighting for his existence as the expert governmental agency (p. 185) is certainly new. On page 272, the resolutions of Fairfax county, in which George Washington joined, are interpreted as containing a demand for expert government, while they simply call for wisdom and moderation. The author considers Dickinson's *New Essay on the Constitutional Power of Great Britain over the Colonies in America* the most important contribution to the pre-Revolutionary discussion, as it defines the federal empire in the following words: "To be subordinately connected with England the colonies have contracted. To be subject to the general legislative authority of that kingdom, they never contracted. Such a power as may be necessary to preserve this connection she has."

From statements in the Declaration of Independence and from the general drift of opinion expressed by the colonists the author concludes that the colonies objected to the exercise of legislative power by Parliament but would willingly have submitted to acts of regulation and disposition emanating from the king as the expert part of the government. Now this insistence upon expert government is entirely an implication from general language and it is not at all made clear that the colonists distinguished technically between the expert and the popular part of the government in the sense of the author. Moreover, they certainly were not fighting the battle of royal prerogative in any form. In insisting that the king was the only link binding them to England they desired to emphasize the authority of their own local legislatures over against Parliament rather than to vindicate the power of the king. The conception of the king as "ex-officio the Disposer of the Empire, having power to finally interpret and adjudicate and execute the unwritten constitution of the Empire through an expert tribunal as his adviser" is nowhere clearly developed in the colonial literature but is based entirely upon inferences made by the author. It is difficult to believe that this was really the

final issue in the contest as perceived clearly by the minds of the colonists, though this conception of an imperial constitution administered expertly did exist in germ and was relied upon by some of the champions of the American cause.

The author's powers of logical deduction and legal interpretation culminate in a veritable *tour de force* when he comes to the detailed interpretation of the clause, "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." The word "dispose of," as the author's exposition has shown, refers to that power of expert management which the kings of Great Britain and France respectively exercised in colonial affairs. It implies judicial investigation before action, and painstaking attention to the claims of the higher moral and constitutional law of the empire. The expression "rules and regulations" is used in order to prevent the governing of dependencies through laws — mere acts of the will. "Rules and regulations" are to be "needful," that is, adapted to the special needs of the individual dependencies; this word was chosen in preference to the absolute expression "necessary and proper" as it impliedly forbids the policy of assimilation. The phrase "needful rules and regulations" steers a middle course between the paternal interference of the kings of France and the unconditional power of legislation claimed by Parliament. The use of the word "all" renders the grant of power unlimited both as to time and as to sphere of action as long as the rules established are "needful"; by using this inclusive word the Convention decided that territory might be permanently held in dependence on the Union. The expression "territory" the author, following Grotius and Barbeyrac, derives from "terreo" and defines as a region so near to a state that it may be at any time reduced to complete submission, or terrorized, by the state. The author concludes that "territory" refers to the region adjacent to the states of the Union, and hence that the term "or other property" must refer to more distant dependencies not destined to be incorporated into the Union. The word "respecting" is used rather than "concerning" because "respecting" means "concerning respectively" and thus carries out the meaning of the word "needful," which has been explained. The fact that the term "the United States" is used in this connection shows that in the Constitution it refers to the actual Union, the fully developed States, and not to the entire imperial federation. From the fact that this clause is placed after and not before the clause concerning the admission of new states the author concludes that the Convention intended to negative the idea that all dependencies without exception must be prepared for membership in the Union. The discussion is wound up by the statement that Gouverneur Morris has crowded into one short sentence a complete description of imperial powers and obligations as America claimed them to be; and that *evidently* the Convention recognized instantly that there was no room for debate or criticism — that the clause was complete and perfect in itself.

The constitutional argument here outlined will sufficiently illustrate the author's methods of interpretation. Throughout the work he treats even the most casual expressions of political opinion in the same strictly analytical manner. The danger of this method, from the historical point of view, lies in the fact that men are not actually aware of all possible logical implications of the language they employ ; and that in the interpretation of any body of opinion or discussion almost any result desired may be obtained by employing literal implications which may, however, either not have been present at all in clear consciousness or may have held a subsidiary and incidental position. We all know how easy it would be to construct entirely opposite theories from the writings of Hobbes or Rousseau by placing emphasis successively upon various possible lateral inferences. In such cases the only refuge is to compare a theory with the actual life out of which it has grown and of which it is a representative expression. This will show where the main emphasis must be placed in the historical interpretation of any development of political theory. And when we apply this test to the author's work, it is difficult to avoid the conclusion that while he has furnished a notable legal argument and a highly valuable analysis of an important part of American political thought, he has somewhat misplaced the emphasis in his interpretation of history and that he views the thought of the past rather too much from the point of our present needs of constitutional development.

PAUL S. REINSCH.

The History of South Carolina in the Revolution, 1780-1783. Volume IV. By EDWARD MCCRADY, LL.D. (New York: The Macmillan Company. 1902. Pp. 787.)

WITH this volume General McCrary brings to a conclusion his history of South Carolina during the periods of proprietary and royal government and of the Revolution. As the work has progressed the author's style has grown perceptibly freer and stronger, until in the final volume it flows onward in an ample stream. As a general political and military history of South Carolina during the first century and a quarter of its existence, this work must always rank as a standard authority. It is true that certain well-known books have been very fully and freely used as materials in its composition ; but these books contained the best that was accessible on the periods to which they related. It is also apparent that in the preparation of the volume on the period of royal government not all accessible manuscript sources were searched for information or, if they were searched, the material was not all utilized.

To students of the social and economic structure of society, to those who are interested in determining the place which South Carolina held in the British-American colonial system the work will be useful as a storehouse of material, and not because of any especially valuable opinions or views which it contains. The strictness with which the author has adhered to the annalistic form and to political and military history gives

a certain narrowness to the work. We are furnished with no picture of the social disintegration which accompanied the war of the Revolution throughout the state, though we could perhaps construct it from the details of military raids which fill nearly two volumes. But, though the plan of the author may have been somewhat narrow, he has done well what he undertook to do. The work exhibits large knowledge of the subject, united with honest and sound judgment throughout. There is evidence of abundant sectional pride in the mind of the author, but the record of South Carolina, especially in the Revolution, to a large degree justifies that. Its existence, together with General McCrady's view of the isolation of South Carolina, and the emphasis which he lays upon it, makes this one of the most intensely state histories which we have.

As was to be expected, the author devotes his last volume on the Revolution mainly to the history of the doings of the partizan bands in South Carolina and to their relations with the small regular army which was sent thither under Greene. In the studies of the famous campaign of 1781 by earlier writers Greene has been the central figure. Inasmuch as the most careful studies of that campaign have hitherto been written by biographers and admirers of Greene, that was a natural result. Both Johnson and G. W. Greene—the work of the latter, by the way, McCrady does not mention—though able writers, frankly expressed their admiration for the Rhode Island general. But in the pages of McCrady, though Greene occupies a prominent position, his is not the place of chief honor. The central place is occupied by a group, of which the most prominent figures are those of Sumter, Marion, and Pickens. They are surrounded by a number of less famous associates among the partizan leaders of the section. Greene, and with him Major Henry Lee, is the object of much criticism, though also of not a little moderate praise. Morgan, too, comes in for less praise and more criticism than has been usual in histories of the period.

According to the view of General McCrady, the partizan bands, though constantly forming and dissolving, won the decisive successes in South Carolina. So far at least as that state was concerned, the feeling of superiority among the regulars and their officers was unjustified. Greene, moreover, conceived an unwarranted prejudice against Sumter and entered almost upon an intrigue with Lee to bring about Sumter's retirement. Greene also failed to appreciate the conditions which existed in the country which he had come to defend. He had the unfortunate habit of writing long and not very tactful letters. While praising commanders to their face, he disparaged them in letters to third parties. His heart was not in the task, and after the retreat of Cornwallis toward Virginia Greene desired to follow him. Greene was defeated in every encounter in the south in which he was engaged, and he had the habit of attributing his ill success to others than himself. As the battle of Guilford Court-House and the operations which immediately preceded it do not fall within the compass of his subject, the author does not find any brilliant manœuvring of which Greene should receive the credit. The

relations which at the close of the war developed between Greene and the civil authorities of South Carolina were most unfortunate and trying for the general.

The author admits that Sumter and his associates were perhaps unduly sensitive. But the great difficulties under which their work was done — with no government to raise troops for them and furnish them with supplies — and the important results which they achieved entitled them to strong feelings of pride. General McCrady's conclusions are based on the letters of Greene, on the correspondence of Sumter, which was published in the *Charleston Year Book* of 1899, but especially on the study of the war map of South Carolina during the Revolution. To the 26 engagements which had been fought by the partizans, or state troops, in 1780 were added 62 engagements in 1781, 45 of which were fought without the aid of the Continentals. By this activity not only were the Tories held in check, but the communications of the British were cut off, serious losses were inflicted upon them, and they were at last forced back to Charleston. Though the author does not deny that the presence of the Continental army was necessary to give consistency to the American system of defense, he claims that the heavier part of the work was done by the partizans. The British were destroyed by slow attrition, the blows being mainly inflicted by the local forces.

The last volume of the work is certainly the most original of the four. The criticism of earlier views which it contains is healthy and valuable. It effectually rehabilitates Sumter and brings him out much more clearly into the light of history. It administers a check to hero-worship by presenting a remarkable picture of the sacrifices which an entire people will make in defense of their homes. But, since history affords comparatively few such spectacles, the judgment of British officers in the earlier colonial period and of Washington during the French War and the Revolution concerning the comparative value of militia and regulars will not be seriously modified.

HERBERT L. OSGOOD.

The Writings of James Madison. Edited by GAILLARD HUNT. Volume III. 1787. The Journal of the Constitutional Convention, I. (New York and London: G. P. Putnam's Sons. 1902. Pp. xxi, 471.)

MR. HUNT's third volume comprises Madison's notes of the debates in the Philadelphia Convention through July 18; the fourth will present the remainder, with an index to the two, which are evidently intended to be issued separately, as a work independent of the rest of the series. In one sense, these notes do not form a necessary part of Madison's writings. But on the whole we have nothing else from his pen so important as this record of what he and others said in that memorable gathering, and there is a distinct need of a new edition. Gilpin's is not now easy to procure; the fifth volume of Elliot, unless one picks up an early issue, is obtainable only in shabby print from worn plates; the text presented in the

Documentary History of the Constitution, though invaluable for minute researches, is hard for the ordinary student or reader to use; and the only other edition is made up from Gilpin without conscience or scholarship, and is inappropriately entitled *Journal of the Federal Convention*. It is disquieting to see that Mr. Hunt makes use of the same title. Surely the journal of a deliberative body is one thing, and notes of its debates are another. Madison himself never confuses the two. He calls his record notes of the debates, and when he says "See the Journal" we know what he means, — the Journal proper, as printed in 1819.

Mr. Hunt's text, in excellent clear type, follows Madison's manuscript, whereas Gilpin used a copy. He avoids with skill and care the difficulties presented by Madison's interlineations and erasures, and gives us a plain and satisfactory text. He indicates the votes in the manner followed by Madison. He gives four facsimiles, two of pages of Madison's manuscript, one of the document which Charles Pinckney sent to Secretary Adams in 1818 as his draft offered to the Convention on May 29, and another of the letter with which Pinckney accompanied it. Mr. Hunt furthers the process of discrediting that document by showing that it is in a hand precisely resembling that of the letter, and written on the same paper, paper bearing the water-mark of 1797! The document being notoriously unauthentic and worthless, one cannot see why Mr. Hunt gives it a new lease of life and further opportunities to mislead students by printing it in his text, especially as it forms really no part of Madison's notes. One's regret at its inclusion must, I think, be increased by my discovery of large parts of the genuine Pinckney plan, set forth on a preceding page of this issue of the REVIEW.

Mr. Hunt adds greatly to the interest and value of this edition by printing in foot-notes the records of the debates made by Yates, King, and Pierce whenever they are at variance with Madison's. He also gives us Major Pierce's characterizations of the members, first printed in this journal (Vol. III., 310-334), two letters of Grayson, two of Carrington, two of Charles Pinckney, and one of Hamilton. Otherwise the notes, except Madison's own, are very few; not more than half a dozen in the whole volume.

Though the edition is so good, and likely to be so useful, it is not improper to mention a few slight errors. It is stated on the first page of the preface that Madison, to carry out his purpose of careful reporting, "took a seat in front of the presiding officer, facing the members," etc. Nothing warrants the assertion that he sat facing the members, and it is highly improbable; we may be sure that he would have thought it unbecoming for him to assume such a position. His own words are simply that he "chose a seat in front of the presiding member, with the other members on my right and left hands" (II. 410, of this edition). It is stated (p. xiv) that the notes of Madison, Yates, Pierce, and King are the only ones now extant. Notes by Paterson survive. Some of them are before me as I write, and will be printed in the REVIEW. Is it certain that those of Major William Jackson, the secretary, are no longer in

existence? He told John Quincy Adams in 1818 (*Memoirs*, IV. 175) that he had taken extensive minutes. In 1878 they are said to be non-existent; in 1888 we are assured that they are extant. P. xvi, for "Wingaw" read "Winyaw." It is an error to say (p. 25 n.) that Pinckney's letter of December 30, 1818, is printed in the *Documentary History*, at least in any edition known to me; and "some" should read "none" in the statement attributed to Chief Justice Nott as to the preservation of Pinckney's notes.

J. FRANKLIN JAMESON.

The Territorial Growth of the United States. By WILLIAM A. MOWRY. (New York: Silver, Burdett, and Co. 1902. Pp. 237.)

THERE are two phases to the expansion of the United States — the circumstances that have at different times created a demand for more territory, and the efforts of government to meet this demand. Dr. Mowry regards our territorial acquisitions as a series of special providences and upon this theory contents himself with the externals of negotiation without making any attempt to present the underlying causes. Even his statement of the externals is far from satisfactory. He gives no adequate account of the situation that caused the cession of Louisiana, and no account at all of the protracted negotiations resulting in the Florida treaty, not even mentioning the prior acts for occupation. In connection with Texas something is said of slavery, but nothing of the other influences that brought about annexation and caused the Mexican War. There is no reference to the internal agitation for Oregon nor to the way in which Oregon was used to offset Texas. Even Alaska did not come wholly out of a clear sky, but in continuation of negotiations, which are not mentioned, that began in 1854, were resumed in 1859, and interrupted by the Civil War. There is no suggestion of American connection with the Hawaiian Revolution of 1893, and the Philippines were "thrust upon us" unsought. From this it follows that the book fails to tell the true story of the territorial growth of the United States. On the one hand, it omits entirely the reckless disregard of the rights of others that has characterized our national expansion and, on the other, it gives no glimpse of the restless energy of the American people to which that expansion is due. The materials are drawn from secondary sources, chiefly from Lyman's *Diplomacy of the United States*, Marbois's *Louisiana*, and Greenhow's *Oregon*. The style of the book is entertaining and its typographical appearance attractive, which make it the more to be regretted that the subject-matter is superficial.

There are some errors of detail. We find the familiar misstatement that the first Virginia charter granted to the London and Plymouth Companies *all* the territory between the thirty-fourth and forty-fifth parallels instead of a statement that to each was granted a tract one hundred miles square, to be located within the limits designated. A reference to Mitchell's Map copies a misprint in Lyman that misspells the name. Ly-

man's unsupported statement that Jefferson was unofficially notified in 1802 of Napoleon's willingness to sell Louisiana is accepted, although at variance with the story of Napoleon's sudden decision in the following year, which is quoted from Marbois. Much is made of Captain Shelvocke's supposed discovery of gold in California in 1720, but it does not appear that Captain Shelvocke touched only the extreme southern point of Lower California and never saw any part of the territory acquired by the United States. The so-called "flathead delegation" is assigned to 1832, although recent discussion has shown that it took place the preceding year. Whitman's ride is mentioned very briefly, but without indicating any modification of the author's opinions in regard to it. It is hardly accurate to say that our government claimed that Bering Sea was a *mare clausum*. The House resolution, quoted in construction of the Monroe doctrine, should be dated 1826 instead of 1825. It is at least open to question whether this resolution may fairly be said to have been adopted. It was passed by a close vote as an amendment to a resolution affirming the expediency of the Panama mission, and then the resolution as amended was overwhelmingly defeated.

F. H. H.

Mallet du Pan and the French Revolution. By BERNARD MALLET.
(London, New York, and Bombay: Longmans, Green, and
Co. 1902. Pp. xx, 368.)

BARTHÉLEMY, the diplomatic representative of the convention at Berne, reported to his superiors in 1794 his opinion of Mallet du Pan in these words: "On ne peut se dissimuler que ce Genevois est une vraie mèche d'enfer pour notre pays." Over against this republican opinion may be placed the words spoken at this time by the future Louis XVIII., who was living at Verona as the titular regent of France: "Ce diable d'homme qu'on ne pouvait parvenir à faire taire." These two significant phrases show that the Terrorists whom Mallet bitterly denounced and the Royalists whom he tried faithfully to serve held practically the same opinion of the able Genevan observer and writer who sought to save France from the absurdities of the old tyranny of monarchy without delivering her over to the excesses of a new tyranny of democracy. Between the extremes of reaction and of revolution many may have halted in the trying years following 1789, content to say with Sieyès, "J' ai vécu"; but only a few keener and bolder than their fellows dared to take a decided stand upon middle ground, so that Mallet du Pan found himself a member of no party, but of a small coterie of brilliant men who were masters of the science of politics but knew little of the art. The judgments which will be passed upon this book will differ but little from those passed upon the author's great-grandfather more than a century since. The royalist and the clerical will join with the admirer of the Revolution in condemning this book, which represents the views of the small and unpopular minority who can find little on either side in the French Revolution to admire and are so rash as to speak out their opinions.

The book is of course the product of family pride and not of disinterested scholarship, but, as is rarely the case with such productions, the work is the scholarly production of a trained historian, a man who has had excellent opportunity for political observation. Mr. Bernard Mallet, the eldest son of the friend and disciple of Cobden, Sir Lewis Mallet, was a Balliol man and took a first in history in 1882, since which time he has held various government clerkships. Twice he was private secretary to the first lord of the treasury, Mr. Arthur Balfour, a position he resigned in 1897 to become commissioner of inland revenue. With this training and this experience, Mr. Mallet set himself the task of introducing his eighteenth-century ancestor to twentieth-century Englishmen, few of whom have ever heard of the *Mercure Britannique* or of its able editor. The author is, however, in error when he flatters himself that "in England nothing whatever has been published about Mallet du Pan except two articles in the *Edinburgh Review*," for the excellent *Mémoires et Correspondance de Mallet du Pan*, published by M. Sayous in Paris in 1851, was translated into English and published in London in the following year. M. Sayous had access to the family papers upon which the present author has drawn freely, and had the assistance of Mallet du Pan's son, John Lewis Mallet of the English civil service. His work is of course long out of print, and in two places has been greatly supplemented by two important publications of recent date, so that there remains abundant justification for this new volume. The new works alluded to are *Correspondance Inédite de Mallet du Pan avec la Cour de Vienne, 1794-1798*, edited by André Michel with a preface by M. Taine, and *La Révolution Française Vue de l'Étranger*, by François Descostes (Tours, 1897). Aside from this one slip in bibliography there is little to criticize in the book, for the author has done his part well. A little more detail and precision in the bibliography would have been helpful, and the index is not complete, for one fails to find in the index four names of considerable importance mentioned on p. 149, one of which should be spelled Cobenzl instead of Cobenzel. A more serious misprint occurs in the first foot-note on p. 186, where the date of the treaty of Basle with Prussia should be 1795 instead of 1791. Paper, type, and binding are all in excellent taste.

Students of the French Revolution, especially in England and America, will be very grateful to Mr. Mallet for this life of his ancestor and for the presentation in such able manner of the views of the constitutional monarchists of 1789, which have hitherto received less attention than they deserve, largely because they never produced any practical results in determining the course of the Revolution. These men themselves believed, for a moment, that they could save France, and many since their day have surmised that had their political sagacity been coupled with ability as politicians and statesmen France might have won for herself and for Europe all of the advantages of the Revolution without the terrible cost in blood and treasure. Though the abilities of Mallet, of Malouet, of Mounier, and even of Mirabeau, who had so much poten-

tially and so little practically in common with these men of 1789, were not fully understood and valued in their own day, the lapse of a century has enabled some better to comprehend their worth and has made their acts, speeches, and writings of the greatest value for the study of the beginnings of the Revolution. M. Taine in his famous work on the Revolution speaks of Mallet du Pan as the "most competent, the most judicious, the most profound observer of the Revolution," and in the introduction to the Vienna correspondence says, "Four observers understood from the beginning the character and bearing of the French Revolution, Rivarol, Malouet, Gouverneur Morris, and Mallet du Pan, the last named more profoundly than the rest." In this latter article Taine likens Mallet to a consulting physician who diagnoses the case correctly from the outset and then watches its progress and chronicles with scientific precision each stage in the development of the disease. No one, not even Morris, was better trained for such impartial observations. Mallet was by birth a republican, an aristocrat, and a Protestant, being a citizen of Geneva. To this birthright he added several years of excellent training received through constant intercourse with Voltaire at Ferney. The ideas of Montesquieu early appealed to him more than did those of the other great thinkers of eighteenth-century France; and his residence in Germany, England, and France in later years made him, like Montesquieu, a strong admirer of English institutions. The important period of his life began in 1783, when he accepted the invitation of the publisher Panckoucke and moved to Paris to assume the duties of political editor of the *Mercure de France*, the most important French journal of the time. His articles, always brilliant, became after the cessation of the censorship in 1789 the most enlightening comments upon passing events both in France and in the other countries of Europe. Camille Desmoulins's significant pun "Mallet pendu" indicates the popular opinion of Mallet's journalism and tells why he abandoned the *Mercure* and took refuge beyond the frontier in the spring of 1792. The next six years were spent as a secret agent of Louis XVI., and later as the confidential adviser of the Bourbon princes, of the émigrés, and of the allies, notably the Emperor, England, and Portugal. The successes of Bonaparte made even the continent unsafe for Mallet, and in 1798 he moved his family to England, where he sought to support them by the publication of the *Mercure Britannique*, which he continued until a few weeks before his death on May 10, 1800. During all these seventeen years Mallet was dependent upon the pay from his journalism, from the émigrés, or from the allies, but his judgment was never influenced by the fact, and he always spoke his opinions with the utmost frankness. Mallet took the greatest pains to organize a personal secret service and a system of correspondence which kept him thoroughly acquainted with events in all parts of France and in other parts of Europe, so that he was the best-informed man on the events that were passing. Thus, being a trained observer, he was best able to give sound, though seldom acceptable, advice to those whom he sought to serve. Mallet's political principles

might be reduced to two, order and liberty. He might well have said with Mirabeau, "I desire order but not the old order," and with Burke, "The only liberty I mean is the liberty connected with order."

Perhaps the most extraordinary instance of Mallet du Pan's political insight is contained in the following lines written in 1781 before the battle of Yorktown:

"Independent or not the United States will emerge from this disastrous war with the hope of profit from it. Their commerce will be free, sooner or later it will embrace the fisheries of all their shores and of the new world and the trade in furs, it will reach to the Antilles, to the Spanish possessions, and even to the East Indies; a line of communication will be theirs which no European fleet will be able to cut. Nature which has placed the insurgent States in the midst of the Atlantic has so ordered it; and the moment has arrived when our continent will be forced to admit it."

GEORGE M. DUTCHER.

The Life of Napoleon I. By JOHN HOLLAND ROSE, M.A. (New York: The Macmillan Company. 1901. Two volumes, pp. xvii, 471; viii, 547.)

WE have delayed our notice of this important book for several reasons. In the first place, it is long and the style is difficult; in the second place, it puts forth an important claim as being the first life of Napoleon to include new materials from the British official records; in the third place, it is the first effort of a British historian at impartiality and self-control in describing the heroic age of modern English history. For these reasons the two stout volumes demand respectful and deliberate examination, and this the reviewer has endeavored to bestow.

The general impression left upon the intelligent reader will probably be one of some weariness, but it will be the weariness of one who has accomplished a good work. Such erudition, such accumulation and orderly arrangement of detail, such marshaling of fact and authority, such patient examination of every source; all alike testify to Mr. Rose's indefatigable industry and unwearied research. It is safe to say that nothing of value either in the published literature of his subject or in the papers of the London Record Office has escaped him. On the other hand, we are all familiar with the conscientious, laborious, and sometimes invigorating "constitutional" which sedentary men force themselves to take for health. The "constitutional" leads no whither, is a duty to be done and not a pleasure to be enjoyed, strengthens but does not stimulate. The blood does not course freer, the heart beat higher, or the brain devise bright thoughts because of the "constitutional." And we fear that both the reader and the student will lay down these volumes with a sense of wonder that one so learned as the writer could exhibit so little of interest, curiosity, or mastery in discussing the ultimate problems and settling the questions which throng in a life the most brilliant, the most fascinating, and the most productive of weighty consequence among all that have been lived in the nineteenth century. When the author compares Na-

poleon to a python grasping its native rock by the tail in order to hurl its folds whithersoever it may be attacked, we are amazed at a rhetoric and grammar as faulty as the science in the metaphor, but we seem to see the lion by his claw, the somewhat bewildered scholar as uncertain and confused by the dimensions of his task as the masterful but equally uncertain serpent of his comparison. That this is not a solitary indication is shown by the truly British interrogation in praise of Napoleon's charm, "Or if he had gone to the United States, who would have competed with him for the Presidency?"

Fortunately the somewhat turgid rhetoric, of which choice samples might be culled in almost every chapter, seems characteristic of what we may term Mr. Rose's philosophy of Napoleon; his scientific quality is far different from his philosophic. The reader must set aside the rather yeasty general impression of which we have been speaking, and turn to the details of discussion, especially on disputed points. Important as are several of Mr. Rose's novelties, some of them are interwoven with his narrative as a whole and may not be selected for brief examination. Others, however, are fairly complete in themselves. We especially commend to the student the evidence collected from the Record Office that the British government was really privy to substantially all the European complots of the era, in the petty courts of central Europe as well as in the great capitals and in France itself. It is passing strange that our author finds no perfervid language to condemn the cold-blooded conspiracy for the murder of Napoleon in which Cadondal had the backing of English agents. This was not one of the "flaccid eccentricities" to which he refers in his preface, but, as he admits, "one of the most heinous of crimes." Yet such a master of trope and verbiage contents himself with this simple language: surely his admission of what has always been suspected does not avoid the moral effect of his confession of a national crime. Perhaps, however, the effect is the stronger for a simplicity of expression; it certainly would be but for the plaintive excuse "they were all doing it." There is a different tone, we remark, when he sits in judgment upon Napoleon for the execution of the Duc d'Englien, and a tone, we think, which rings with truer indignation. After all, the attempted assassination of Napoleon without even the form of law was an atrocity quite worthy of an age which abounded in atrocious deeds of every degree, but it was also a shocking disgrace to a nation which has boasted its piety and morality as its justification for inaugurating and conducting the Napoleonic wars. Upon the famous question, now become almost academic, as to whether Napoleon was serious in his purpose to invade England or not, we find that no new light is shed and the author manfully acknowledges his indecision. With this we are not content. There is a judicial element in the writing of history, shirk the responsibility as we may. A collection of monographs presenting the case for judgment, even when written by one writer, is not history; an opinion and a sentence calmly and wisely presented are demanded by both students and readers. Mr. Rose says in one paragraph that had all Napoleon's com-

plex dispositions in the northern ports worked smoothly he would certainly have made a dash at London, but that, awaiting only an excuse to avoid the enterprise, he found that excuse in Villeneuve's retreat to Cadiz and wheeled his legions eastward to prosecute the alluring alternative of continental conquest. It is certain that Napoleon always had two possibilities in preparation, but it is equally certain that of the two in this case that for the invasion of England was poorly studied, destitute of expert support, fantastic in its theatrical quality, and devoid of the Napoleonic characteristics, while the possibility actually adopted was thoroughly and minutely studied, had every mark of a solid purpose with firm reality, and was triumphantly executed. What seems to us conclusive, however, is the fact that the invasion of England was the secular and ever effective pretext of every successive French government to arouse French patriotism, open the French purse, and evade criticism of internal affairs. Napoleon was using the old device on his own scale: simultaneously he was busy behind the screen working out two stupendous problems, the subjugation of France for himself, and the subjugation of continental Europe for France. We believe it to be the most salient weakness in Napoleon's character that he utterly failed to apprehend the value of sea power. Visions of its bearing on imperialism he got occasionally, but his first concern was land power, the one weapon of which he was a consummate master. Certainly there are many indications that at this very moment he would gladly have considered (as a year earlier he had openly suggested) a partition of world-empire between himself and Great Britain, with the latter as overlord of the seas. Spurned by the western power, he turned later to propose something similar to Russia.

This brings us to consider Mr. Rose's treatment of the renewal of war by England and the rupture of the treaty made at Amiens. We choose this inverse order because it is easier sometimes to reason backward chronologically than to anticipate. When Napoleon suggested to the English ambassador the division of world-empire with Great Britain, he was playing the game of world-politics strictly according to British rules. Neither of the gamesters felt the slightest respect for international law, and the English ministry was entirely complacent about every move of its antagonist as long as the principle of compensations was admitted and practised. But when it was seen that Napoleon's interventions contemplated a permanent seat of French power in Holland, and his compensations were not inclusive of a British garrison at the Cape of Good Hope or of a British occupation of Malta, England regretted her renunciation of interest on the continent and appealed to international law. The Whigs eagerly seized on any pretext for a blow at their party opponents, and the cleavage of public opinion in Great Britain gave the ministry some anxiety. Addington therefore grew suddenly bellicose, and the instructions given by him to a new ambassador selected to beard and infuriate Napoleon are as calm, specious, and clear as if written under the inspiration of our present-day tribunal at The Hague. Simultaneously, however, the cabinet began preparations for war and laid down an ulti-

matum. The sport of diplomacy was much to the First Consul's liking and on Lord Whitworth's arrival he pursued it with zest. But when the situation grew strained and war became probable the First Consul hesitated. The treaty of Amiens had been negotiated by able men, and he had observed its letter with no genuine remonstrance from the other party. It is aside from the question to instance the conduct of Russia, Prussia, and Spain in regard to the treaty as nullifying its provisions. The treaty was nullified by the British retention of Malta, and this was admitted when Whitworth was instructed to suggest an equivalent. We think it true that Napoleon cherished oriental designs, while his brothers hoped for the retention of Louisiana in the west. Why not? There was ample highway space along the Mediterranean for both England and France, and ample room for both in Asia. But there was no equivalent to Malta: it must be neutral or in joint occupation. Napoleon's colonial plans were superb, as grandiose as those of Great Britain. To realize them he needed peace for extensive preparation, and an agreement with England. His antagonist would permit neither, and in spite of one hesitating concession after another—the transfer of Malta to Russia, an English tenure of the island for two or three years, Otranto in exchange for Malta—Whitworth played his part to the end, and England declared war. Perhaps at this late day we may not blame any one nation for distrust of another, but this is quite as applicable to Napoleonic France as to Georgian England. If Napoleon did not seriously contemplate invading England even in 1804, he surely had desired to win her, as far as consonant with his own advantage, throughout the peace period subsequent to the treaty of Amiens; the responsibility for the breach of that treaty must rest with the nation which, not content with a share, desired the entire control of the sea.

Certain other instances of the same kind can easily be found, even by the casual reader. Our author feels sure it was impossible to have found for Napoleon a "less unpleasant place of detention" than St. Helena, and in the final chapter there is a justification of Sir Hudson Lowe which is almost a eulogium. Yet it is a thankless task to pursue a subject already set forth, we think, with sufficient emphasis. Clearly Mr. Rose with his ostentatious frankness has thought to disarm criticism and excuse anew the blameworthy sides of English politics in the early nineteenth century. Nowhere does he avow his party sympathies, but the Whigs of his period would have had little patience with his Tory apologia as set forth in these volumes.

The other side of our task is entirely pleasant. For finished workmanship we have only to mention the treatment of Toulon, where full justice is done to both sides and to all persons, the discussion of the events known as the "day of the Sections," the claims of Augereau to have rescued the first Italian campaign from disaster, and other topics, of which, should we mention all, the list would not be short. In every matter where patriotism is not a controlling force Mr. Rose is thoroughly equipped and entirely reliable: he holds the balance freely, as between

the continental powers, though his treatment of Austria in the matter of Napoleon's second marriage does not adequately deal with the baseness of both Francis and his daughter. We note his conclusion that the real turn of Napoleon's fortunes was during the first Saxon campaign, wherein the armistice of Poischwitz proved fatal to ultimate military success. The point is well made and the proof is conclusive.

Finally, it is noteworthy that a writer who is not a military specialist has known how to thread his way firmly and skilfully through the mazes of Napoleon's strategy and tactics. For the intelligent reader there is ample discussion of all the great events which were the basis of the Emperor's strength. There is a fine exclusion of unnecessary detail, and a concise statement of important outline. We venture to think that the campaigns of Marengo and Waterloo are both delineated with magisterial power. It may be objected that there is an absence of imaginative and thrilling description in Mr. Rose's battle scenes, and a consequent lack of the effect which is alone the ideal truth of literature. These volumes make no claim, we must repeat, to high literary quality. They are something quite different, the careful work of an erudite scholar and investigator, marked in the statement of facts by an exaggerated simplicity and calm. The quelling rhetoric is reserved to bring out here and there at intervals the pent up emotions of the author, which are often those of a gallant but rather desperate knight coping with a task almost superhuman in its dimensions. No wonder. It is exactly this attitude of mind which is Mr. Rose's greatest strength.

A History of the Peninsular War. By CHARLES OMAN. Vol. I.

From the Treaty of Fontainebleau to the Battle of Corunna.
(Oxford: Clarendon Press. 1902. Pp. xvi, 656.)

Les Guerres d'Espagne sous Napoléon. Par E. GUILLON. (Paris: Plon-Nourrit et Cie. 1902. Pp. v, 364.)

IN reviewing Napoleon's wonderful work as a captain we find the war in the Iberian peninsula from 1808 to 1813, while less important because the Emperor was there for but a brief period, yet by no means the least interesting. To Anglo-Saxons it is ever memorable as being the field where our cousins of the British army had almost the only chance to display their courage and constancy; for it was at sea that Great Britain dealt her heaviest blows at Napoleon, as it was by her subsidies that she most heartily contested his continental system. Except as a drain of men at a period when France could no longer stand the drain (and the Peninsular War cost France three hundred thousand men), Spain had less influence than any other extended field in the grand total of land operations. But it was the theater where the second of England's great soldiers, Wellington, played his part; and though a proper perspective makes Spain but one scene in the vast Napoleonic drama, yet the conflict loses not its military nor its human interest; and to all English-speaking peoples it is a tale which may always be twice

told. Perhaps no war has ever brought out more monographs and fewer histories. From general to sergeant, every rank has had its say, in Spanish, French, Portuguese, and English. But, excepting alone the monumental work of Napier, there has yet to be written a satisfactory history of the entire Iberian struggle.

We have before us two volumes, one from a French standpoint, the other from the English. Beginning with the less ambitious, for Professor Oman's volume is but the first of several, Professor Guillon proposes to himself to make a *croquis* of the Peninsular campaign which shall assemble all the facts relating thereto, and only these, so that a French reader shall not have to turn to memoirs, general histories of Napoleon's wars, or histories written by a foreign pen. "To replace these wars in the particular and natural frame, to narrate them in a manner clear, rapid, and summary, without technical pretension nor theory, to retrace their vicissitudes, and to render if possible their color, I have thought this work might be useful." The idea came to him in Spain, and he preceded his work by a pilgrimage to the principal battle-fields.

The author has done what he proposed, but the book is scarcely a history of the Peninsular Wars in the sense that Napier wrote it sixty years ago and that Oman is writing it to-day. It is a sketch only, for in the compass of 350 small pages no one can give more than a syllabus of the marches and countermarches, the toils and dangers, the skirmishes and battles of the dozen armies of French, Spanish, Portuguese, and English, not to mention the thousands of guerrilla bands which by their small-war made the task of the French so much the harder.

Guillon's book is fair. Though writing from the French standpoint, he does not underrate the value or deeds of the defenders of the peninsula, but he devotes much space to explaining why the French failed. He loads most of the blame upon the Emperor, who, indeed, by retaining personal control of matters at such a distance, by diverting Spanish revenues to the French army budget, and by unwise interference in many quarters certainly deserves much of it. To any one who desires a well-framed sketch the book is to be commended; though, as it has no maps, the average reader would be often at a loss to understand all the author says. And many of the marches and the battles are crowded for lack of space into too small a compass to keep the narrative perfectly balanced. With maps and an additional hundred pages to fill these gaps, the volume would be a valuable one for the busy man of to-day.

When we come to Oman's work, we at once find a larger purpose and a work gauged on a broad historical scale in which, without prolixity, space is a secondary matter. The author has been at work a dozen years or more in collating the subject-matter, and has been much aided by the legacy to All Souls of the papers of Sir Charles Vaughan, a sort of a diplomatic "chief amang ye takin' notes," who saw much of Spain during the war. He has projected a work which will reach several imposing volumes, and has spared himself no pains nor labor in searching for facts. The detailed manner, for instance, in which he has worked up the num-

bers of the armies in the period covered is beyond praise. Few authors are willing to take so much trouble, especially as, after all labor spent, the attrition of accident or stress of service may much alter the sum-totals obtained at a date a few days previous. Moreover, a variation of ten or fifteen per cent. in numbers engaged is rarely the cause of victory or defeat.

Professor Oman is an honest Briton and, unlike Lord Roseberry, is writing of a period in which Napoleon was exacerbating to the British sense. While yielding his meed of admiration to Napoleon the soldier, he cordially hates Napoleon the statesman, and now and again in good blunt Saxon monosyllables berates him for his manifold political trespasses. No doubt Napoleon deserved all this, but in that day and generation few statesmen were beyond severe stricture. It was diamond cut diamond, nor was any diamond steel-blue. Diplomacy has always been the art of deceiving; it was more so then than now, we hope. And when we consider that Napoleon had substantially all Europe arrayed against him; that, while his ways were devious, he was working out a problem useful to France and Europe; and that he had to keep his wits sharpened to the keenest point; did he in reality average any worse than the rest of the diplomatic world?

Upon the intricate political history of the Peninsular War Oman enters at length and throws the light of clear statement. In many points he sets Napier right where this author has erred from lack of facts to-day obtainable, or corrects him when, as Oman thinks, he errs from an undue leaning towards the Emperor. The military side is treated with equal detail. The descriptions of the country and topography remain in mind. Strategy and tactics have no terrors for this author, as since Jomini's day no profession monopolizes military history. Nor is he new at such a task; and his style is frank and easy, and fixes the attention. While the reader now and then disagrees with some statement, yet Oman's frank positiveness disarms him. The value of the opposing forces is well gauged; and there is so much detail in describing the manœuvres and battles that the work will have peculiar interest to the Englishman who has a hereditary love of regimental exploits and individual prowess.

As this first volume covers only the period from the treaty of Fontainebleau, towards the end of 1807, to Moore's battle of Corunna, in the beginning of 1809, it is not possible to estimate the work as a whole; but if, as is probable, the author is able to carry it through on the scale he and his publishers have begun, it will go far to be more read than Napier—whose admirable work will nevertheless always remain a classic.

THEODORE AYRAULT DODGE.

A Fighting Frigate and Other Essays and Addresses. By HENRY CABOT LODGE. (New York: Charles Scribner's Sons. 1902. Pp. 316.)

EXCEPT for a single essay upon Russia of the present, all of the papers in this attractive volume may be regarded as historical. One is an essay upon "The Treaty-making Powers of the Senate"; the other nine are

addresses delivered upon various occasions during the past six years. It is then as a collection of historical addresses that the volume must be judged. From the purely literary standpoint the book deserves unqualified and unstinted praise. It is a capital illustration of how history may be made attractive and all the more noteworthy because it employs successfully a literary form not much utilized by real historical scholars and one often looked upon by them with distrust or even contempt.

Three of the addresses were delivered in eulogy of recently deceased Massachusetts governors with whom the author was on terms of close intimacy. As personal tributes these eulogies are the materials for history rather than history itself. But they are something more than that, for they contain graphic descriptions of the historical forces that helped to shape the characters of these men. At the same time events of the recent past are considered from the historical as well as from the personal standpoint. The addresses upon "A Fighting Frigate (the *Constitution*)," "Daniel Webster," and "Rochambeau" have the value that belongs to the whole volume, but do not make any attempt to add to our knowledge and so do not call for further notice. Those upon "The Treaty-Making Powers of the Senate" and "Oliver Ellsworth," however, demand particular attention, for each contains the results of careful research in the sources and makes a notable addition to knowledge. That upon "John Marshall" also merits attention because it reveals so much of the author's general historical standpoint.

In the article on the Senate the author seeks to establish two contentions: first, that the Senate is not restricted to the mere ratification of treaties, but has coördinate power with the executive at every stage, even in their negotiation; second, that the right of the Senate to amend treaties is indubitable. The latter point is clearly demonstrated from the practice of the Senate. A valuable list of 68 treaties that the Senate has amended and then ratified is given on pp. 253-254. The argument for the first point is strong and the conclusion reached is doubtless perfectly correct, but the method of the demonstration is not impeccable. For the contemporary interpretation of the treaty-making clause in the Federal Constitution, resort is had to the debates of the Federal Convention exclusively. The debates of the state conventions that ratified the Constitution furnish the more authoritative interpretation of its provisions. Use should have been made of these debates for the additional reason that the passages in them bearing upon the subject, though few in number, support the author's contention.

The address upon "Ellsworth" is a painstaking biographical study designed to raise him from the class of forgotten worthies. Particular attention is called to his services in the Federal Convention in securing the adoption of the plan for the formation of the Senate, to his influence in the Senate in the formulation of its practices and precedents, and to the negotiation of the French treaty of 1800. In connection with the first of these an appendix contains an interesting letter from Senator Hoar, in which it is claimed that the major share of the credit belongs

to Roger Sherman. The argument is carefully drawn and shows that Sherman was the most active in behalf of the state-equality plan.

In the address upon "Marshall" the author exhibits most strikingly the strength and weakness of his conception of history. He gives free rein to his personal sympathies; in consequence he is always the Federalist historian. This probably enables him to explain Federalist ideas, policies, and the invaluable services of Hamilton, Marshall, and other Federalist leaders in a more effective fashion than would be obtained from the use of a more scientific method. On the other hand, it prevents him from doing justice to the ideas and policies for which Jefferson, Madison, and Gallatin stood. The author's accuracy and fair-mindedness prevent misstatements of fact; his partizanship is that of tone, emphasis, and implication; but it is after all partizanship, not history.

FRANK MALOY ANDERSON.

Letters of Dorothea, Princess Lieven, during her Residence in London, 1812-1834. Translated and edited by LIONEL G. ROBINSON. (New York: Longmans, Green, and Company. 1902. Pp. xx, 414.)

THE letters of Dorothea, Princess Lieven, written from London while ambassadress at the British court, should have more than one claim to the interest of the historian. While covering a period of great interest and written with a full and intimate knowledge of events and people of the utmost importance, they are first of all valuable because of the personality of the writer. This charming and forceful woman was the daughter of General Benckendorff and his German wife, the latter a lifetime close friend of the Princess Maria of Württemberg, afterwards the wife of Paul I. of Russia. Upon the mother's death the four small children were bequeathed to the care of the Empress, whose charge they immediately became. Brought up in the Russian court, under the supervision of the Empress, who was scrupulously conscientious in the discharge of her duty, Dorothea absorbed and developed a patriotism for country and a loyalty to the Emperor which in the mature woman amounted to a ruling passion. In 1800, when but fifteen years old, she was married to Count de Lieven, who was then a lieutenant-colonel in the Russian army, but who soon entered diplomatic life, and in 1809 became Russian envoy at the Prussian court. When in 1812 Lieven was appointed ambassador to London, his young and charming wife was but twenty-six, though already distinguished as an exceptionally able and clever woman, whose influence as a diplomatist was credited with being quite as effective, though indirectly exerted, as that of the official representative. Other letters, already published, attest her intimate knowledge of the times and give evidence of close personal intercourse and confidential correspondence with Lord Grey, Palmerston, and Wellington, while her correspondence with Metternich indicates a reciprocal interest which was not always concerned with the diplomatic or political side of life.

The present letters, written to her brother, Count Benckendorff, contain, for the first thirteen years of London residence, little else than current London gossip or matters of family interest. In 1825, however, simultaneously with the advancement of Count Benckendorff to the position of Chief of the Third Division, involving a daily conference with the Czar, the character of the correspondence shows a striking change and exhibits a curious mixture; in it Princess Lieven provides a semi-journalistic side-light on men and events in England, emphasizes her own and her husband's intimate connection with and their hold upon English ministers, indulges in abject and fulsome flattery of the person and abilities of the Czar, and indirectly, yet unquestionably, manages to create the impression that her own indirect diplomacy is often of greater moment in forwarding Russian interests than are the more formal efforts of her husband. In short, Madame de Lieven unconsciously reveals herself as an intelligent, active, and charming woman, with much liking for and cleverness in intrigue, and also as ambitious for personal distinction. It is to be noted also that these letters were being regularly communicated, with the writer's knowledge, to Count Nesselrode, the Russian foreign minister.

Aside, however, from the delineation of Madame de Lieven's own character there is little of new historical interest. The letters are attractive in form, but neither add information as to the workings of Russian diplomacy nor offer any convincing characterizations of English politicians. In the first case Madame de Lieven, with all her originality, was never bold enough to offer an opinion on projects initiated at Petersburg, in other than flattering terms. She poses, in fact, as a devout believer in the omniscience of the Petersburg government, so that her comments on current international questions are devoid of color and of novelty. The same devotion to Russian interests, when applied to events in England, renders her opinions in that field also of little value, although here she was quite free to speak her mind. Everything is examined and criticized from the point of view of Russian interest. Canning is at first, from 1815 to 1820, imbued with "Jacobinism" and with revolutionary ideas and is a dangerous man, but suddenly in 1827 he becomes in every way admirable. Wellington is at one time the faithful friend, then, after Canning's death, a miserable traitor; moreover, he is the strong minister sure to hold his own, or an inefficient, sure to fall, according as Madame de Lieven sees in him a friend or a foe of Russian policy. Of purely English questions and events she has perhaps a clearer conception, but these are but hurriedly noted, as having no direct bearing on diplomacy.

In effect, then, Madame de Lieven's own personality and the conditions under which she wrote largely destroy in this volume the value of her comments. Her letters give evidence also that the active meddling with which she was credited by contemporaries did have existence in fact. She was unquestionably on very intimate terms with many notable men, but that she actually moulded their political acts is exceedingly

doubtful. For example, statements made to her by Palmerston or by Grey in familiar conversation are reported in her letters as positively to be depended upon, and as foreshadowing some decided change in English diplomacy. When the events belie the prophecy, Palmerston becomes an ingrate and Grey an imbecile, but her own gullibility is lost sight of. She seems rather to have been used by English ministers than to have used them. If then the present volume has any especial value as an addition to historical knowledge, it is that it renders possible a more exact estimate of Madame de Lieven herself. Yet every page offers entertaining and pleasant reading, while the careful work of the editor and translator, Mr. Robinson, has supplied excellent explanatory notes for otherwise blind references.

E. D. ADAMS.

Il Generale Carlo Filangieri, Principe di Satriano e Duca di Taormina. Per TERESA FILANGIERI FIESCHI RAVASCHIERI. (Milan: Fratelli Treves. 1902. Pp. 371.)

DURING the forty-two years which have elapsed since the fall of the Neapolitan Bourbons no work has appeared relating to the history of the kingdom of the Two Sicilies in the nineteenth century, or to any episode or period in it, which may be termed the product of wide research directed by relative impartiality — one work only excepted, Raffaele De Cesare's *La Fine di un Regno* (Città di Castello, 1900, 2 vols.). The importance of the second and greatly amplified edition of this work, as De Cesare himself states in his dedication to the Duchessa Teresa Ravaschieri, lies in the results of his extensive researches in the Archivio Filangieri, preserved in the Museo Civico Gaetano Filangieri of Naples. The principal feature of this museum is the collection of papers, books, relics, etc., left by Generale Carlo Filangieri, who for half a century was one of the chief figures in the political life of the Two Sicilies. De Cesare has made extensive and intelligent use of this material so far as it relates to the years 1848-1860, the period covered by his work, but the material upon earlier years has remained untouched. It is with the purpose of editing much of this earlier material, of editing more fully that of 1848-1860, and of thus honoring the memory of Carlo Filangieri, that his daughter, the Duchessa Ravaschieri, has published the present volume of biography.

During the long period of his public activity Filangieri preserved carefully a wealth of documents which concerned him, and wrote from time to time extended autobiographical *Ricordi*, or memoirs. The documents, for the most part inedited, are quoted freely and at length throughout la Ravaschieri's biography, while long extracts from the memoirs form almost the entire contents of many chapters, and it is in these documents and in the testimony that Filangieri himself offers in his narrative upon all the events in which he participated that the importance of this volume lies. Filangieri was a man of modern spirit and ideas, but a warm supporter of the autonomy of the Two Sicilies, and therefore opposed to Italian unity. Sincerely devoted to Murat, he was also faithful to the

Bourbons, the errors of whose government he clearly appreciated and repeatedly attempted to correct, always without avail. Upon the revolution of 1820-21, of which he cordially disapproved, he bears important but not always unbiased testimony; his picture of the deplorable disorganization and insubordination of the Neapolitan army of defense, in which he commanded one of the four corps, is the most graphic and important that has been drawn, while the documents given relative to his own dismissal from the army at the restoration of Ferdinando I. in 1821 are of the first importance as evidence upon Bourbon methods of government. Of the government of Ferdinando II. at his accession and of the conditions of the country at that time he gives an impartial account of great interest. In the chapters relative to his own suppression of the Sicilian revolution in 1848-1849, his subsequent government of the island as lieutenant down to 1855, and the diplomatic and political confusion in Naples in 1859, in the midst of which, as president of the council of ministers, he strove honestly to sustain the tottering monarchy, Filangieri, although writing with considerable personal bias, reveals new facts which rectify many erroneous judgments. As evidence upon the incompetence of Bourbon statesmanship and the inadequacy of its antiquated system of government to satisfy modern requirements, these later chapters furnish irrefutable proof of logical development in the events of southern Italy in 1860, and explain clearly how it was possible for Garibaldi with one thousand men to overthrow a kingdom of twelve million inhabitants, which counted one hundred and twenty-six years of national existence.

The portion of the volume that la Ravaschieri herself wrote is marred by an excessive display of filial sentimentality and, being made up largely of eulogy and apology, leaves much to be desired in critical judgment.

HARRY NELSON GAY.

Die Ermordung Pauls und die Thronbesteigung Nikolaus I. Von THEODOR SCHIEMANN. (Berlin: Georg Reimer. 1902. Pp. xxiv, 420.)

As there are a good many subjects in modern Russian history that cannot be freely discussed in the country where the events themselves took place, we often have to fall back on foreign sources for supplementary information. Thus in recent years there have appeared several works about the unfortunate emperor Paul I. The anonymous *Kaiser Pauls I Ende, 1801* (R. R. Stuttgart, 1897), gives us a detailed account of the conspiracy that led to the catastrophe, while Schilder in his fine biography of Paul (1900, in Russian) had to content himself with describing the circumstances anterior to an event about which he could only hint. Fresh light was thrown on it in 1901 by Professor Schiemann, of Berlin, who published in the *Historische Vierteljahrschrift* a letter of Bennigsen, one of the chief actors in the tragedy; and the same writer has now brought out a number of other original authorities here printed for the first time, though some of them were used by Bernhardi in an essay written

in 1860. There are eight papers in the collection, perhaps the most interesting of them being the letter of the young Princess de Lieven and the later commentaries of Prince Eugene of Württemberg. On the whole we find nothing startlingly new, but a number of previously doubtful points are made clearer. We may accordingly affirm with confidence the following facts: (1) There were two conspiracies against Paul. The first one was worked up by Panin, Lord Whitworth, and General Ribas. It was proposed to deprive the Emperor of power on the ground of insanity, and to put in as regent his son Alexander. This plan came to nothing, owing to the break with England and the withdrawal of Whitworth, the death of Ribas, and the banishment of Panin to Moscow. In the second conspiracy Pahlen was throughout the prime mover, but his keeping away from the scene of the actual murder, where Bennigsen and Zubov were the principal actors, led his accomplices to believe that he was prepared to turn against them in case of failure. (2) Alexander was cognizant of the progress of both schemes. His hesitation in ratifying them may have been partly due to some dark feeling at bottom that the revolution could hardly take place without a tragedy. Still, there is no reason to doubt his surprise and horror when the news of his father's death was brought to him. (3) There is, on the other hand, every reason to think that the active conspirators foresaw the inevitable outcome from the beginning. Paul would have been far too dangerous as a captive; and that he must be put to death was taken for granted, though we have no knowledge that it was discussed. (4) The widowed empress Maria Fedorovna dreamed for a moment of ascending the throne herself, but soon was forced to see that she had no partisans. (5) However much one may condemn the character and actions of Pahlen, Bennigsen, the Zubovs, and others, it cannot be denied that the situation in St. Petersburg had become absolutely intolerable. Paul's despotism and caprice had passed the verge of insanity. No one was secure against the Emperor's next whim or fit of anger, and the welfare of the empire as well as the security of the imperial family demanded immediate action. The evidence is overwhelming of the unspeakable relief felt by high and low after the tragedy was completed.

Professor Schieman's second subject is the curious interregnum that occurred after the death of Alexander I., when grand dukes Nicholas and Constantine were urging each other to accept the imperial crown. He publishes a number of letters that passed between the two princes, and also several descriptions of the military revolt of December 14, 1825, in St. Petersburg. In the latter, one gets a vivid impression of the utter confusion of the whole affair, and the helplessness of the liberal conspirators to do anything with the soldiers after they had once persuaded them to mutiny. As for the contest of generosity between the brothers, Professor Schieman in his introduction lays stress on the fact that Nicholas, as is proved by recent publications, knew of Constantine's renunciation of the throne, expected it to be maintained, and only proclaimed him under pressure from Miloradovich, who as commander of the guard controlled

the situation; hence the display of generosity was only high comedy. This conclusion is hardly fair. Granting the premises, we may still admit that Nicholas, who had a high sense of honor, believed it to be his duty to let Constantine, as the older brother and the natural successor of Alexander, decide once more unhampered whether he really wished to give up his claims. The letters between the two, in spite of their formal phraseology, have a genuine ring to them.

In both sets of publications such of the documents as were in Russian are printed in German translations, the originals being added in an appendix.

ARCHIBALD CARY COOLIDGE.

La Hongrie Moderne de 1849 à 1901. Étude Historique. Par A. DE BERTHA. (Paris: Plon-Nourrit et Cie. 1901. Pp. iv, 358.)

IN these ultra-national days, when writing in any language but one's own is regarded as unpatriotic, we are in danger of getting our ideas about many of the smaller countries of the world almost entirely from foreign, not to say hostile, sources. For instance, as most of us cannot be expected to study the native tongues of Poland, Bohemia, and, still more, of Hungary, for information about these lands we fall back perforce on what we can find in German, regardless of the fact that it is almost impossible for Germans to be quite impartial in their treatment of the history and, still more, of the present politics of peoples whose aspirations have so often conflicted with their own. We are always ready, therefore, to welcome a serious work by a native writer who has condescended to appeal to the Western public in a medium we can understand. Mr. de Bertha's book accordingly deserves a good reception, for it covers a period in the history of his country full of interest even to foreigners. His familiarity with his subject is obvious, his style is clear, and his appreciations in the essentials studiously moderate, though his tone is highly patriotic and his description of Hungarian public men is almost without exception laudatory, not to say fulsome. His account of the negotiations that led to the *Ausgleich* and particularly of the part played by Deák is especially good.

On the other hand, there is a great deal that he does not give us. His work does not at all justify its title, for it is a parliamentary history and little else, although encumbered with lengthy extracts from the regulation speeches at the millennial festivities. He has furnished us with a useful record of debate and legislation and, to a certain extent, of public needs and opinion. He has not described, except in rather vague allusions, the remarkable economic progress of Hungary in recent years, and he has left out all the shadows of the present picture. Brilliant as has been the success that the Hungarians have achieved in the last half-century and respectable as is their position in the world to-day, it is far from true that "tout est pour le mieux dans la meilleure des Hongries possibles."

To begin with, the *Ausgleich*, the much-lauded achievement of Deák, is working increasingly badly. The Austrians, whether German or Slav,

believe, and with considerable reason, that they got much the worst of the bargain. Good feeling between the two halves of the monarchy does not seem to be on the increase, and as the so-called compromise has to be renewed every seven years, there are frequent opportunities for disagreement; indeed, the really immense difficulty encountered in bringing about the latest renewal bodes ill for the future. In the second place, we cannot overlook the present situation of Austria, where the antagonism of the conflicting nationalities has reached such a point as to make ordinary legislation nearly impossible, and where many people believe that with the death of Francis Joseph we shall have the beginning of the end of the Hapsburg Empire. To be sure, even without her partner, Hungary may still be able to lead an independent and prosperous if modest existence, but it must be remembered that within her own borders she has very grave questions to which Mr. de Bertha barely alludes. Of her total population, if we include Slavonia and Croatia, less than half are Magyars or Hungarians proper, even according to the official statistics, which cannot be regarded as impartial in such a matter. In spite of all our author's insistence on the spirit of liberalism as the chief characteristic of present Hungarian politics, it is notorious that the treatment of the other nationalities by the ruling one has often been the reverse of liberal. Few fair-minded Hungarians would assert that the elections have been generally free, or the hand of the police light in dealing with the subject nationalities; and it would be absurd to pretend that the immense majority of purely Magyar members in the diet at Pesth is due to superior wealth and intelligence alone. The sternly maintained supremacy of the dominant race with its vigorous attempts to absorb the others may indeed be wise in the end. So far it has certainly preserved a peace which contrasts favorably with the spectacle on the nearer side of the Leitha, but absorption by force is a long and slow process which creates boundless ill-feeling while it is going on. There is no doubt to-day that the sentiments of the other nationalities towards the ruling Magyar minority is in many cases extremely hostile; and what makes this the more dangerous is that each of these other peoples has its own friends outside. The Slovaks in the north look to their kinsmen, the Czechs of Bohemia; the few Ruthenians are not without sympathy from the Russian Empire; while the Germans in Hungary can count on much more active support from the new Pan-German movement. Transylvania with its preponderantly Rouman population is regarded across the mountains as part of Roumania Irredenta; and, finally, the two and a half million Croats and Servians, among whom hatred to the Magyars is perhaps bitterest, form a compact group with sufficient local privileges to defy absorption. They may dispute with each for hegemony, but they regard themselves as destined to build up a future independent south Slavic state, which would hardly fail to be the enemy of Hungary.

The determination, not to say hopeful confidence, with which the Magyars face all these perils compels our admiration. Whatever the future may have in store for them, they have played in the past a part

out of all proportion to their small numbers. We can say, too, that in no period of their history have they given more striking proof of their qualities, such as courage, patience, extraordinary sense of law, indomitable patriotism, and capabilities of many kinds, than they have by their achievements since 1849, when Görgei, who is still alive to-day, capitulated to overwhelming force at Villagos, and the independent existence of Hungary seemed to have come to an end forever.

ARCHIBALD CARY COOLIDGE.

Egypt in the Neolithic and Archaic Periods. By E. A. Wallis Budge, M.A., Litt.D., D.Lit., keeper of the Egyptian and Assyrian antiquities in the British Museum. (New York, Henry Frowde, Oxford University Press, American Branch, 1902, pp. xxiv, 222.) This is the first volume of the *History of Egypt* in the series entitled *Books on Egypt and Chaldea*. In the first chapter, which embraces almost half the book, the author gives an interesting account of excavations and investigations made during the past ten years by Petrie, de Morgan, Amélineau, and others, and discusses the results of the labors of these scholars. He regards it as "certain that many of the most important elements of Egyptian culture were brought into Egypt by a people who were not remotely connected with the Babylonians." It would seem that this people, having crossed into Africa (probably from southern Arabia, by way of the Strait of Bab-el-Mandeb), conquered and overran Egypt, and that the historical Egyptians are the descendants of the mingled conquerors and conquered.

Among the subjects discussed in this first chapter are the following: Physical Characteristics of the Predynastic Egyptians; Agriculture; Domestic Animals; the Predynastic Grave; Religion; Belief in a Future Life in the Predynastic Period. Chapter II. is devoted to an interesting discussion of Egyptian chronology. Chapter III. deals with the Legendary Period and with several predynastic kings. Chapter IV. treats of the kings of the first three dynasties. The book is well printed on excellent paper, has a map and some forty-four illustrations, and it may be warmly recommended to any one wishing to know the views of an eminent scholar in regard to the important period with which it deals.

J. R. JEWETT.

Die Religion Babylonien und Assyriens. Von Morris Jastrow, Jr. (Giessen, J. Ricker, 1902, Erste Lieferung, pp. v, 80.) A German translation of Professor Jastrow's standard work having been called for, the author has made use of this opportunity to revise and enlarge the original edition (Boston, Ginn and Company, 1898). To judge from this first of the ten projected parts the work will be considerably expanded. Naturally, as the author observes in his preface, some portions of the whole work demand enlargement to a greater degree than others. The first main division owes its expansion in large part to the necessity for dealing more fully with the themes of Chapter I., "Sources and Methods of Study," and Chapter II., "Land and People." The former topic is

now more broadly and freely handled, for example in the statement of the present aspect of the Sumerian question (pp. 18-23), and the latter has all the advantage of the knowledge gained from the recent researches of the Pennsylvania expedition at Nippur, the German explorations on the site of Babylon, and the continued excavations of De Sarzec at Tello. For the book as a whole, this much is already clear: as compared with the English edition, it will gain in popular adaptation while losing nothing in scientific strictness and accuracy. Especially useful will be the promised comparison at the end of the work between the Babylonian and the other ancient religions.

All who care for the history of religion must wish the gifted author success in the completion of his work in its new and expanded form.

J. F. McCURDY.

Medieval Europe from 395 to 1270. By Charles Bémont and Gabriel Monod. Translated by Mary Sloan, with notes and revisions by George Burton Adams. (New York, Henry Holt and Co., 1902, pp. vii, 556.) Some American teachers of medieval history have often wished that this French text were available for general use in their classes; it was prepared by real scholars, and seemed to have, besides accuracy, a certain combination of clearness with brevity and of definiteness with generalization that is not always found in such a book. It is a pleasure to have it at last done into English, and by competent hands. Miss Sloan has usually given the exact meaning of the original, though sometimes not its life. Professor Adams has assisted in various ways in adapting the book to our conditions, notably by modifying the references. There are a good many misprints, owing no doubt to the haste that was necessary in order to meet the demand of this year; but they can readily be removed in another edition.

E. W. D.

Students of Anglo-Norman history will find little to interest them in the *Histoire de l'Abbaye du Bec* by M. le Chanoine Porée, the first volume of which appeared in 1901. (Évreux, Charles Hérissey, pp. xii, 664.) The story of the abbey is told in great detail, often indeed in too great detail; especially could much have been spared on the general monastic and religious history of the times, already well told elsewhere. In the treatment of its subject proper the book adds little to our knowledge, and is to be noticed merely because it gives an account from the Norman side of much that relates to England, of Lanfranc and Anselm, and the abbey school; of the English priories of the house; and of the movements on the continent of the Norman kings, but these only in so far as they affected the abbey. The author's interest throughout is wholly ecclesiastical, and he turns aside to discuss independently none of the problems of Norman history. The first volume brings the history down to near the close of the thirteenth century.

G. B. A.

Of the many articles of genealogical, antiquarian, and heraldic interest in Volume XVIII. of *The Genealogist*, new series (London, George Bell and Sons, 1902, pp. iv, 328, 176), only two or three can be mentioned here. Mr. J. H. Round, whose name appears as a frequent contributor, opens with a paper on "The Origin of the Stewarts and their Chesney Connexion," in which he traces the ancestry of the royal house a generation further back than he was able to do in his recently published *Studies in Peerage and Family History*. Mr. A. S. Scott-Gatty suggests another ingenious and learned theory on the parentage and identity of King Arthur, but, after Sir James H. Ramsay's convincing summary of the question (*Foundations of England*, I. 124-126), it would seem difficult any longer to identify the legendary Arthur with the victor at the Mons Badonicus. In Major-General George Wrottesley's detailed history of the Wrottesley family of Wrottesley, Staffordshire, there is, among other features of interest, an inventory of the effects in the house and stables of Sir Hugh, taken at his death in 1633, which furnishes a concrete picture of the "mode of life and accommodations in a gentleman's country house in the reign of Charles I." Such family histories, of which those of the Pastons and Verneys are the best-known examples, are invaluable sources of information on the social conditions of England's past. The illustrations to the volume are finely executed and interesting; the frontispiece is a facsimile of a grant of arms made by the Emperor Sigismund to the family of Cerjat of Mondon in Switzerland, October 9, 1415.

A. L. C.

The *Annual Report of the American Historical Association for the year 1901* appears in two volumes, the first containing miscellaneous articles, the second the essay on "Georgia and State Rights," for which the Winsor prize was awarded, and also the report of the Public Archives Commission. The first volume is not so bulky as usual; but it is one of decided value. There is no need of enumerating the articles, and any comments may be superfluous. Possibly special attention should be called to Professor Williston Walker's paper on "The Sandemanians of New England" as an exceedingly interesting contribution to the social and religious history of later colonial times; and to Professor Ephraim Emerton's "The Chronology of the Erasmus Letters," an excellent example of the critical method of handling and classifying material. Much valuable information is contained in Professor A. Lawrence Lowell's "The Influence of Party upon Legislation," portions of which have interest for the historian, and all of which will be of value to the historian of the future, who will be gifted indeed if he can understand the permutations of modern politics. Three important papers read only by title at the meeting are here published: "Committees of Correspondence of the American Revolution," by Edward D. Collins; "Jay's Treaty and the Slavery Interests of the United States," by Frederic Austin Ogg; and "The Legislative History of Naturalization in the

United States, 1776-1795," by F. G. Franklin. The subheadings of Dr. Collins's paper indicate quite clearly his main contentions as well as his method of treatment: that Massachusetts discovered a method of colonial self-government; Virginia supplied a connecting link; New Jersey perfected a type of complete revolutionary government, for it was in this colony that the county committee of correspondence reached its most perfect form, and through the county committee came the thorough organization of the state; Massachusetts showed how to make a local grievance a general cause; in New York, a community in reality but slightly affected by rebellious sentiment, there came a most revolutionary development; revolutionary activities forced the disintegration of the committees.

Other papers were referred to in the report of the Washington meeting published in the REVIEW a year ago. Dr. Phillips's paper on "Georgia and State Rights" will be reviewed in a subsequent number.

The Court and Reign of Francis the First. By Julia Pardoe. With a preface by Adolph Cohn. (New York, James Pott and Co., 1901, three vols., pp. xiv, 313, 364, 366.) *The Life of Marie de Medicis, Queen of France.* By Julia Pardoe. (New York, James Pott and Co., 1902, three vols., pp. 483, 431, 451.) The appearance of a new and sumptuous edition of Miss Pardoe's works published in the 50's is of interest because it reminds one of how great an amount of research has been expended in the last half-century upon the history of France in the sixteenth and seventeenth centuries, and of the stores of new material which have been brought to light. When Miss Pardoe wrote *The Court and Reign of Francis I.*, the portly volumes of *State Papers* of the reign of Henry VIII., edited by Dr. Brewer (1862-); the Spanish State Papers of Bergenroth and Dr. Gayangos (1868-); and the valuable materials in the Venetian archives (1863-), edited by Horatio Brown, were all unpublished. *Les Négociations Diplomatiques de la France avec Toscane* (1859), too, were beyond her consultation, and the great *Catalogue des Actes de François Premier* (1887-), still unfinished, was nearly forty years in the future in 1850. Similarly in the case of *The Life of Marie de Medicis*, a vast amount of official papers, such as Avenel's *Lettres, Instructions Diplomatiques et Papiers d'État du Cardinal Richelieu* (eight vols., 1853-77) was beyond at least easy consultation. As for authorities which Miss Pardoe dreamt not of, one may mention the writings of the late De Maulde la Claviere, of Paulin Paris, of Baumgarten, of Phillipsohn, of Hanotaux.

The author wrote when the brilliancy of Macaulay and Lamartine tinged historical writing. She herself was gifted with a facile pen and transferred to her own pages something of the sprightliness she acquired from the reading of the memoirs and vivid chronicles of the age. But as solid history verified by the witness of official documents and not dependent upon the indirect and often inexact information of chroniclers and courtiers, the limitation of her writings are manifest.

The reviewer of *Marie de Medicis* in the *Athenæum* (June 12, 1852) may have been unduly prejudiced when he wrote, "We object to literary millinery"; and added: "A compilation in English of French memoirs reads insipidly." The present reviewer, however, is inclined to agree with him, and certainly disagrees with the statement of Mr. Adolph Cohn, who has written an introduction, that "Miss Pardoe's book is thus far the most elaborate history of Francis I. in existence."

J. W. T.

Notre-Dame de Sainte-Foy. Histoire civile et religieuse d'après les sources. Par L'Abbé H. A. Scott. Tome I. 1541-1670. (Quebec, J. A. K. Laflamme, 1902, pp. ix, 620.) Sir J. Lemoine in a paper read before the Royal Society of Canada in 1897 enumerated thirty-four parish histories published in the province of Quebec. Since that date an increasing interest in local history has developed and an effort, originating among the graduates of Laval University, is being made to extend it to every parish in the province. Quebec is singularly fortunate in having preserved a consecutive record in its parish registers, which extend back to the days of the first settlement. It was from these that L'Abbé Tanguay was enabled to compile his massive *Dictionnaire Généalogique des Familles Canadiennes*. In addition to these the regular houses have either as landowners or as depositories preserved large numbers of papers, so that the local historian has a mass of official material ready to his hand. The Abbé Scott has just added to the series by the publication of the first volume of the history of the parish of Sainte-Foy, situated in the well-known *seigneurie* of Sillery, four miles west of Quebec city, and granted to the Jesuits in 1640. Originally extending along the river St. Lawrence from the limits of the city to Cape Rouge, it has been curtailed by the creation of two new parishes, Saint Columb de Sillery in 1856 and Cape Rouge in 1862. With the exception of three short chapters devoted to the visit of Cartier and Roberval, 1541-1543, the greater part of the first volume is devoted to an account of the famous Sillery mission to the Algonquins, carried on amid much discouragement and suffering by the Jesuit fathers. The author has gleaned most of his material from the *Jesuit Relations, Journal*, and other original authorities, and has supplemented it by printing as an appendix twenty-three original papers, either documents relating to land or baptismal registers. Naturally his standpoint is that of the Jesuit fathers, and intense admiration is expressed for their devotion and perseverance. One interesting feature is a hitherto unpublished portrait of "Le Commandeur de Sillery," preserved in the Seminary of Troyes in Champagne. Of the five maps given in the volume, three have hitherto been unpublished. On the whole it is an excellent piece of work, worthy of "Une Paroisse Historique de la Nouvelle-France."

JAMES BAIN.

The New Amsterdam Book Company has published in two attractive volumes Cadwallader Colden's *The History of the Five Indian Nations* (New York, 1902, pp. lvi, 264; iii, 387). A short introduction gives

little information that the reader cares about and rigorously excludes what he would like to know; there is no indication, for example, of what edition is taken as the basis of the text. One would think that the editor, even if he saved himself the trouble of annotation, could have easily gleaned enough information from Dr. Shea's edition to let the reader know something of the history of the volume that is here reprinted; for the original Colden has passed through various vicissitudes. Although no information is given us, we judge that the text of the volume before us is that of the English edition of 1775, which for obvious reasons is commonly considered decidedly inferior to the one of 1727.

New Amsterdam and Its People. By J. H. Innes. (New York, Charles Scribner's Sons, 1902, pp. xiv, 365.) Of making many local histories there is apparently no end. The field of the present one is quite accurately indicated by its subtitle "Studies, Social and Topographical, of the Town under Dutch and Early English Rule." The author has made a selection of families and sites which figure in the records of his chosen period, and has produced not a continuous narrative but a fairly interesting group of studies. The houses of Dominie Bogardus and Van Cortlandt, the affairs of Melyn and Van Couwenhoven, and the incidents associated with the Bark Mill, the "Ditch," and Schreyers Hoek all receive careful attention.

In pleasant contrast with certain books of the kind, the work before us bears traces of wide reading and has the hall-mark of scholarship. The writer's familiarity with contemporary European conditions is manifest, though the descriptions of such matters as scenes in the Low Countries and events in the Thirty Years' War are unnecessarily long. The illustrations and maps are well chosen, and there are an index and two appendixes. Somewhat too specialized for the general reader, the book can be commended as a scholarly and graphic sketch of life in old Manhattan.

EDMUND K. ALDEN.

In the preparation of his recent volumes on the history of currency and banking in colonial Massachusetts Mr. Andrew McFarland Davis examined the important rare pamphlets on the subject and became familiar with their contents. Eighteen of these he has gathered together and reprinted in *Tracts relating to the Currency of the Massachusetts Bay, 1682-1720* (Boston, Houghton, Mifflin, and Co., 1902, pp. x, 394). The editing seems to have been done with scholarly care, and the papers are accompanied by satisfactory bibliographical notes. The material in this form will be of use to the student of our financial history, for, as Mr. Davis well says, it is just as important to understand economic heresies as economic truths and one cannot appreciate the force of public opinion unless he adopts the current standards on which the opinion is based.

Ohio and her Western Reserve, with a Story of Three States leading to the latter, from Connecticut, by way of Wyoming, its Indian Wars and Massacre. By Alfred Mathews. [The Expansion of the Republic

Series.] (New York, D. Appleton and Company, 1902, pp. xxiii, 330.) Mr. Mathews writes in vigorous style an interesting popular account of two series of historical events. In the first seven chapters the successive Connecticut expansion movements into Wyoming and the Western Reserve are described, after an introduction analyzing the nature of Connecticut as a community and its influence as a moral force in the nation. The last five chapters deal with the composite origin of Ohio and show how, under the influence of the Ordinance of 1787, it produced the peculiar features of the first state constitution and led to the subsequent political prominence of Ohio in the Union. Both parts of the book contain chapters giving lists of important persons born in Ohio and the Reserve. The material is not original nor does the treatment in most respects fall outside conventional lines, but the enthusiasm of the author and his complete sympathy with the Connecticut and other pioneers give the book a real value. As an essay on the results of social and religious training in causing and affecting the settlement of new communities it is of unusual interest. But it is to be regretted that the author's enthusiasm was not placed under some restraint, for the merits of the work are seriously obscured by the tone of unremitting and extravagant eulogy which pervades it. After the first two chapters the adjectives "huge," "colossal," "enormous," "sublime," "heroic," "unparalleled," "prodigious," lose their significance through repetition, and the whole perspective is felt to be distorted. While no important error of fact has been noted—except the statement that "the mantle of the dying John Quincy Adams" fell upon the shoulders of Giddings "in 1840"—there is not a chapter which does not contain numerous claims for the unqualified superiority of Connecticut and Ohio in respects which will be challenged by the historians of almost every other state in the Union.

T. C. S.

A History of the Nineteenth Century, Year by Year. By Edwin Emerson, Jr. (New York, P. F. Collier and Son, 1902, 3 vols., pp. 605; 606-1252; 1253-1924.) These volumes contain a summary of the history of the last century, arranged in the form of annals, year by year. The first volume is filled with the story of the Napoleonic wars and carries the narration to 1815. The second volume unrolls the annals of the world from 1816 to 1857. The tale of the forty-three remaining years of the century is therefore left to the third volume, which concludes, for 1900, with the visit of Paderewski to America, the Hay-Pauncefote treaty, the centennial of the city of Washington, and a Latin ode by Leo XIII. At the beginning of the first volume, between the author's preface and the body of his work, is inserted a translation of Gervinus's introduction to the history of the nineteenth century, which first appeared in 1853. This once famous pamphlet seems to have secured this honor from Mr. Emerson on account of its eulogy of the democratic principle as exemplified particularly in the career of the English race in America.

Mr. Emerson's narrative has the merit of clearness. It is always intelligible and easy to read, despite the lack of continuity and perspective which its chronological plan entails. Passages occur which are models of terse, straightforward, forcible, sprightly description, but at the end of them the reader falls upon pages heaped with the heterogeneous events of a decade — a sort of terminal moraine of unrelated facts. If there is any one who wants to read the annals of one hundred years in their consecutive order, he may find these volumes adapted to his desire. Those who want a convenient work of reference concerning the events of the last century will, however, find here nothing but vanity and vexation of spirit, for its one index is only a mockery and a sham. Excellence of narrative cannot excuse this fatal defect. It is marvelous that the author should have been willing to spend the time and thought necessary to construct such a labyrinth of incidents and allusions, and should then have failed to prepare the clue which alone would render his work useful to the student. This criticism is the more inevitable because the author's view has so wide a range that quotations from the poets, accounts of battles, and discussions of the fine arts jostle one another. That page is not an unusual one (Vol. II., p. 635) which contains a reference to the Arctic voyages of Ross and Franklin, to Mrs. Shelley's *Frankenstein* and Keats's *Endymion*, to the first introduction of infant-schools, steam-heating, gas-lighting, macadamized roads, and the velocipede, and finally to the Congress of Aix-la-Chapelle. Only two items in this heap appear in the index, and one of those is entered under the wrong word. The title-page calls attention to the fact that the work contains forty-eight pictures and two maps, a ratio in illustration which may indicate that the books were originally intended for diversion rather than for study. It is clear that the student who confines himself to English in his collection of handbooks of nineteenth century history must for the present continue to make use of such works as Hazell's *Annual Cyclopaedia* and Mueller's *Political History*.

C. H. L.

Of James Q. Howard's *History of the Louisiana Purchase* (Chicago, Callaghan and Co., 1902, pp. 170), it is sufficient to say that, while it may prove informing to the general reader who wishes to learn at a glance, or literally in an evening, what great names and achievements, political principles, and diplomatic victories are connoted by the Louisiana Purchase, it is not a book which will be of any particular service to students and teachers of history. It is comprehensive but it is brief. In 119 pages the author sketches the history of the region on the right bank of the Mississippi from De Narvaez and De Soto to Livingston and Napoleon, from its exploration to its acquisition by the United States. Sixteen pages are devoted to the "Louisiana Purchase States" from 1803 to 1900, barely a page each to twelve titles; and twenty pages are taken up by a supplementary chapter on the "Creators and Preservers of the Republic," including Franklin, Marshall, Jackson, Webster, Lincoln,

and Grant, for without their efforts there would not have been any United States to enjoy the results of the purchase. The author has had the advantage of no new material in the preparation of his book, but has followed the usual sources, while his indebtedness to the authors of standard works, or at least his inability to avoid paralleling one or another of them, is time and again apparent.

F. W. M.

Dispatches and Letters relating to the Blockade of Brest, 1803-1805. Edited by John Leyland. Vol. II. (London, Navy Records Society, 1902, pp. liv, 390.) In scope and sources this volume is similar to the first. Both draw upon English and French public records, the private papers of Admiral Cornwallis, who commanded before Brest, and occasionally upon the *Correspondance de Napoléon I^{er}*, to illustrate the entire ocean blockade on the French and Spanish coasts. In the principle of selection the volumes differ, the first elucidating the system of blockade, the second its general bearings.

The present volume opens with a project in June, 1804, by Captain Puget (a sometime lieutenant under Vancouver, whose name appears in Puget Sound) to destroy the French fleet at Brest by fire-ships. The bold but accurately laid plan fell through, partly by opposition in the admiralty. In the succeeding pages Anglo-Spanish friction figures prominently. It centered in Ferrol, where Cochrane was blockading a French and Dutch squadron, and culminated in the seizure by the British, in anticipation of pending hostilities, of the Spanish treasure-ships from America.

For the rest the volume deals chiefly with Napoleon's projected concentration of his fleets in the West Indies; the escape from Rochefort, in January, 1805, of Missiessy, whose direction was long a mystery to the British captains; the sailing of Villeneuve from Toulon; and Ganteaume's detention at Brest, partly by Napoleon's prohibition of an engagement with its blockaders. On these and kindred topics welcome information is given. Upon Cornwallis's division of his forces by dispatching twenty of his ships to meet Villeneuve on his return from America, at Ferrol, Mr. Leyland ventures no distinct verdict. Napoleon termed it an *insigne bêtise*. This censure need not discredit the opinion that these volumes prove beyond doubt Cornwallis's courage and strategic ability in general. Napoleon in fact once applied to Nelson a stricture incomparably stronger. Mr. Leyland may be congratulated on the completion of this work, which is a credit to its editor.

H. M. BOWMAN.

The coming centennial anniversary of the Lewis and Clark expedition has called out more than one new edition of the *History of the Expedition*. Mr. James K. Hosmer has edited the one before us (Chicago, McClurg, 1902, two vols., pp. lvi, 500; xiii, 586). The editor has prepared a short appreciative introduction but has not thought fit to burden the pages with heavily-weighted foot-notes. For the general reader, if he

has no great regard for accurate following of the original journal nor yearning for minute information as to scientific details such as is to be found in the edition of Dr. Elliott Coues, 1893, these volumes should prove entirely satisfactory. The pages are not fringed with distracting foot-notes nor laden with editorial comment. They contain in most attractive form a reprint of the Biddle edition of 1814. It may not be commonly known, however, that Biddle with the dexterous facility characteristic of the editor of three generations ago took pleasant liberties with his text, and that the real journal is soon to be reprinted without variation.

L'Impératrice Marie-Louise (Paris, Ollendorff, 1902, pp. xi, 628), already in the sixth edition, forms the tenth volume in M. Frédéric Masson's minute and scholarly series of studies of the personal side of Napoleon Bonaparte's life, character, and surroundings. Of the various monographs in this series, those on the Emperor's youth and his intellectual and formative period are already completed; those on his family, his court, and his generals are as yet unfinished. Owing to the character of his plan, M. Masson is concerned with Marie-Louise only as she affected Napoleon. Hence he devotes the bulk of a stout volume of six hundred pages to the six years during which she was empress. Although an enthusiastic Bonapartist, he handles his problem in a broad-minded and discriminating fashion. Seeking neither to excuse nor to condemn, he aims to describe Marie-Louise, in the light of original documents, as she appeared to her contemporaries. He attributes the erroneous judgments concerning her to the failure to take account of three facts: that she was a German by race, having no intimate or tender relations with the people among whom she was condemned to live in exile; that she was an arch-duchess by birth, and carried to France an "historic atavism"; and that she had been educated in an imperial court bitterly hostile to Napoleon and his subjects. In spite of the fact that M. Masson has been handicapped because of the disappearance of most of the correspondence between the Emperor and the Empress during the years from 1812 to 1814, his presentation is adequate and convincing. The life and surroundings of the Empress are described in minute detail, but with a sense of discrimination and seriousness of purpose rising above the gossipy chronicle; in this respect, the picture of the Viennese court in the early years of the last century, and the masterly treatment of the motives and influences leading to Marie-Louise's desertion of Napoleon are particularly noteworthy. It is to be regretted that the author has not seen fit to indicate his sources. But in an introduction, which, it should be said in passing, contains many admirable suggestions on the method of treating a subject of this nature, he frankly states his reasons for withholding his evidence. They are in substance: that foot-notes break the continuity of the narrative; that unless given for every statement, which is practically impossible, they might as well be omitted altogether; and finally, that he does not care to be plagiarized or to be anticipated in the

part of the field still unworked. Whether his explanations are satisfactory or not, perhaps M. Masson's position as a recognized authority in his subject will excuse him from neglecting the customary check against erroneous statement or unfounded assertion.

A. L. C.

La Principessa Belgiojoso, i suoi Amici e Eemici — il suo Tempo. Da Memorie mondane inedite o rare e da Archivi segreti di Stato. Per Raffaello Barbiera. (Milan, Fratelli Treves, 1902, pp. 436.) Principessa Cristina Belgiojoso is one of the most original of the many noble Italians whose collective activity roused the dormant patriotism, hopes, and courage of the Italian peoples and, soliciting the sympathies of Europe, finished by creating Italian unity. Born in 1808 of the old and distinguished Lombard family, Trivulzio, endowed with delicate beauty, a keen intellect, an indomitable spirit, and a fine independence which led her to disregard many of the conventionalities of society, la Belgiojoso embodied much that was noblest in the "Risorgimento," while the story of her adventurous life opens before the reader epic scenes of exalted patriotism and of heroic abnegation. In Paris under Louis Philippe her salon was among the most brilliant; in Lombardy her abilities and patriotism were so feared by Austria that she was tried for high treason and her rich property was twice confiscated; but in united Italy her name has passed almost into oblivion, from which the present volume may be said to have rescued it.

Barbiera is a fascinating writer, whose facile pen in the present work reproduces with remarkable realism the dramatic scenes of which la Belgiojoso's life is full, and in a series of sketches drawn after diligent study he gives a clear and just conception of her character and career. The volume is not an exhaustive biography, nor has the writer succeeded in solving all the problems connected with the life of the Princess. His method may perhaps be criticized as giving too great prominence to some of the celebrated characters with whom she came in contact and by whom, especially in Paris, she was surrounded — Thiers, de Musset, George Sand, Mamiani, Tommaseo, Massari, Gioberti, Cavour. It cannot be said, however, that the central figure is ever obscured, but rather that the clever and generally faithful portraits of her satellites, her fellow-workers, her enemies, all accentuate the reader's interest in la Belgiojoso herself and heighten his appreciation of her radiating influence. In the preparation of his work Barbiera has made extensive researches among both edited and inedited sources, the results of which are of the first importance to the historian. His studies in the royal archives of Milan have revealed pertinent facts relative to the police system and political persecutions of Austria in Lombardy during the early days of young Italy; his studies of obscure published sources have enabled him to give a touching picture of the life of the Italian political exiles in Paris, with its companion picture of the brilliantly intellectual and patriotic salon of the Italian Princess; while other studies of inedited documents and correspondence lend origi-

nality to his chapters upon the part played by la Belgiojoso in the revolutions of 1848-1849, upon her theatrical entry into Milan at the head of two hundred volunteers equipped at her own expense, and upon her weeks of tireless devotion to the wounded and dying in the hospitals of Rome, termed by Barbiera "the apex of her greatness." Her various writings and the fruits of her journalistic energy are examined with relative fulness. Altogether the volume is a good piece of work, worthy of Barbiera's reputation as a writer of readable biography and history, and takes its place with his *Il Salotto della Contessa Maffei* as the best of his publications.

HARRY NELSON GAY.

The publication of a new edition of Angelo Brofferio's *I miei Tempi; Memorie* in ten to twelve volumes has been undertaken by the editors, Renzo Streglio e C., of Turin, it being the first part of a larger collection intended to comprise the writer's principal literary and political works. From the two volumes which have already been issued it appears that the *Memorie* are not being critically reëdited and that, excepting a brief preface and a possible, but as yet unannounced, subject-index, the new edition will contain nothing which is not to be found in the original edition, of which Series I., published in twenty volumes in Turin, 1857-1861, has been long out of print and is very scarce. These *Memorie* have been widely quoted by historians and are recognized as a primary source, indispensable to students of the social and political conditions of Italy during the first sixty years of the nineteenth century. Brofferio, lawyer, poet, dramatist, and journalist, was an honest and fiery leader of the opposition in the Piedmontese Parliament from the date of its creation in 1848, and parts of the later volumes of Series I. deal at special length with the political questions current during the years 1859-1860, some chapters having been published also separately as polemical pamphlets directed against the policy and government of Cavour.

The work, owing to its unchronological and confused arrangement, presents great difficulties to the student who would consult it in research, and it is to be hoped that the new edition will be provided with a full subject-index, unfortunately wanting in the original edition. The publishers have not stated as yet whether they intend to include the three volumes of Series II. of the *Memorie*, published in Milan 1863-1864, and still in print. Though a continuation of Series I., this is quite a distinct publication, and is little known.

HARRY NELSON GAY.

Of exceptional literary, historic, and educational interest is the new volume of miscellanies published by the eminent Italian critic and littérateur, Alessandro d'Ancona, under the title *Ricordi ed Affetti. In memoria d'illustri Italiani, Ricordi di Maestri, Amici e Discepoli, Ricordi di Storia contemporanea (con saggi di musica popolare), Ricordi autobiografici ed Affetti domestici.* (Milan, Treves, 1902.) It is made up entirely of

writings previously printed either in journals and reviews or in commemorative publications. Of most general interest are sketches of Giusti, Leopardi, Vittorio Emanuele II., Cesare De Langier, d'Ayala, and Eurico Mayer, autobiographical reminiscences of the writer's youth, and studies upon Italian popular poetry and music in the nineteenth century, and upon the evolution in "Risorgimento" history of the political ideals, unity and confederation.

HARRY NELSON GAY.

The Founder of Mormonism. A psychological study of Joseph Smith, Jr. By I. Woodbridge Riley, with an introductory preface by Professor George Trumbull Ladd. (New York, Dodd, Mead, and Company, 1902, pp. xx, 446.) This book is a valuable addition to the literature of Mormonism. It is an exhaustive study of the personality and the history of its founder. As its title implies, it is distinctly a psychological study, but in making this the author has traced the family history for generations preceding that of Smith and has considered each detail of his life and work. As a result we have an able argument in favor of Smith as the genuine author of the *Book of Mormon* and the leading power in Mormonism.

It is an interesting and forceful argument against the theories that charge Smith with forgery, claiming that his ignorance made his authorship of the book impossible. Mr. Riley does not deny Smith's ignorance, but claims that the abnormal activities of his mind give psychological proof of the possibility of such authorship. His neuropathic antecedents, his peculiar mentality, the unnatural religious environment of his early life, are all made accountable for the abnormal personality which was shown as "prophet, seer, revelator, faith-healer, exorcist and occultist."

The book is not only of peculiar value to the students of psychology, but it is written with a freshness and a clearness that appeal to the average reader. The story of Smith's early life and environment is perhaps the strongest part of the book. In a full appendix are given the contents of the *Book of Mormon* and an account of the Spaulding-Rigdon theory of this book, also a complete bibliography of over two hundred works.

WILLIAM F. SLOCUM.

The Government of Maine. By William MacDonald, LL.D. [Handbooks of American Government.] (New York, The Macmillan Company, 1902, pp. ix, 263.) The plan for a series of books upon the governments of the different states of the Union is an excellent one. State government has been too little considered in arranging courses of study for the schools. *The Government of Maine*, by Professor MacDonald, is one of three books which have already appeared in this series, and is in every way commendable. For the writing of this volume the author was well prepared while occupying the chair of history at Bowdoin College.

His book contains ten chapters and four appendixes. The first two chapters deal with the physical geography and historical outline of Maine

from the time of the earliest explorations and settlement up to the present. The remaining eight chapters are devoted to the analysis of the constitution, and an exposition of the central and local government. Of especial interest is Appendix B, which contains excerpts from selected historical documents, the early charters referring to Maine while a part of Massachusetts, the articles of separation, and the acts admitting Maine into the Union, together with the full text of the constitution. For convenient reference to the general reader nothing better could be arranged than Appendix C, which gives the state government in outline. This appendix may also serve students as a tabulated form for review of the whole book.

Particularly interesting is Professor MacDonald's treatment of local government. The people of the state ought to know minutely the workings of county and town organization and of the party machinery employed, while the student of politics everywhere needs just such an exposition of the peculiarities of each of the New England states in order to compare and contrast the very different systems of the western and southern portions of our country.

GEORGE EMORY FELLOWS.

NOTES AND NEWS

We have to chronicle the death of Dr. J. L. M. Curry, which occurred at Asheville, North Carolina, in the middle of February. Born in Georgia, in 1822; for three terms a member of the Alabama legislature, and throughout the Civil War a member of the Confederate Congress; after the close of the war successively president of Howard College, Alabama, and professor in Richmond College; later identified with the Peabody Fund for Southern Education, the Slater Educational Fund, and the Southern Education Board; minister to Spain under President Cleveland and our special representative at the coronation of King Alfonso; he was long active in the educational and public service of his country. With all his other activities he was a prolific writer, and in this and other ways he was interested in historical studies. His books include *Southern States of the American Union*, considered in their relations to the Constitution of the United States (1894), *Brief Sketch of George Peabody and a History of the Peabody Education Fund*, and *Constitutional Government in Spain*. At his death he was president of the Southern History Association.

Mr. Silas Farmer, maker and publisher of maps and books in regard to Michigan and other parts of the northwest, died at Detroit, December 28. One of his best-known works was the *History of Detroit and Michigan*, in two volumes.

The Reverend John Earle, long professor of Anglo-Saxon at Oxford, died January 31, in the beginning of his eightieth year. Students of English history will recall especially his edition of the *Saxon Chronicle* (1864), and his *Handbook to the Land Charters and other Saxon Documents*.

Reverend W. R. W. Stephens, antiquarian, ecclesiastical historian, and Dean of Winchester, died at the end of December, of typhoid fever. He will probably be remembered especially by his biographies, chiefly the *Life of Dean Hook* and the *Life and Letters of Edward A. Freeman*. But he did much important work besides. In the early seventies he wrote a book on the life and times of St. John Chrysostom, and later he edited Chrysostom's works; in 1886 he produced *Hildebrand and his Times*, in Dr. Creighton's "Epochs of Church History"; and in these last years he planned, and with Reverend W. Hunt was editing, a *History of the English Church* in seven volumes, one of which also he wrote himself, — that upon the Norman and Angevin times.

The death is announced of Professor Carl A. Cornelius, of Munich, author of numerous historical works. Students of the Reformation will

[The department of Notes and News is under the management of Earle W. Dow.]

remember his recent contributions upon the work of Calvin at Geneva, in continuation of the investigations of Kampschulte.

The death of M. Gaston Paris, which occurred early in March, will be widely and deeply regretted. It takes away one of the world's leaders in the study of the Middle Ages. He was a scholar in philology, but in no narrow sense. His minutest studies had a large perspective; generous human interest and appreciative insight into medieval life characterized what he wrote. Unfortunately the *Littérature Française au Moyen Âge*, with much else, he had to leave unfinished.

The *Revue des Questions Historiques*, founded in 1866 by the Marquis of Beaucourt and directed by him until his death last autumn, will continue to appear as formerly, with the same programme and under the same editorial committee. For director the choice has fallen upon M. Paul Allard, who is well known by his writings upon the early Christian period.

The address delivered at Philadelphia by Captain Mahan, as president of the American Historical Association, forms the leading article of the *Atlantic Monthly* for March: "The Writing of History."

Part I. of the seventh volume of Helmolt's *History of the World* has appeared in the English translation of that work. This is the volume that deals with western Europe to 1800 (Dodd, Mead, and Co.).

There is to be another new Temple series, "The Temple Autobiographies," edited by W. MacDonald. Among the first numbers will be Benvenuto Cellini's *Autobiography*, newly translated by Miss A. MacDonell, and Benjamin Franklin's *Autobiography* (Dent).

The latest volume of the Hakluyt Society (Series II., Vol. IX.) is devoted to Pedro Texeira. It contains his *Travels*, his *Kings of Harmuz*, and extracts from his *Kings of Persia*, translated and annotated by W. F. Sinclair, and with notes and introduction by Donald Ferguson. The Society has also two more volumes in the press.

Dr. Franz Steffens, of the University of Freiburg, is making an important contribution to the means for the study of Latin paleography, by his *Lateinische Paläographie* (Freiburg, Switzerland, B. Veith). One hundred photographic reproductions, with transcription and explanations on the page opposite each example, will be published in three parts: 1-35, to Charles the Great; 36-70, to the beginning of the thirteenth century; 71-100, to the eighteenth century; the first part is to be out about Easter. An introduction will set forth the development of Latin writing. This work is offered to subscribers at the remarkably low price of fourteen marks the part.

In an article in *Minerva* for January 15 M. A. Sorel treats of "Histoire et Mémoires," with reference to three questions: What are the different types of memoirs? How ought memoirs to be published? How ought they to be utilized?

The National Society for the Scientific Study of Education, in preparation for its meeting at Cincinnati in February, issued Part I. of its *Second Yearbook*. Its contents—consisting of programmes for discussion, and criticisms of Miss Salmon's paper in the *First Yearbook*—bear upon the general subject, "The Course of Study in History in the Common School" (University of Chicago Press).

Among late discussions that concern historical theory we note especially "*Ich und Welt in der Geschichte*," by K. Breysig, in "*Schmoller's Jahrbuch für Gesetzgebung*" (XXVI., 2); and, on the same subject, the inaugural address of the new rector of the University of Berlin, O. Gierke: *Das Wesen der menschlichen Verbände*.

A new and largely remodeled edition of Meyer's *Grosses Konversations-Lexikon* has begun to appear, at Leipzig (Bibliographisches Institut).

ANCIENT HISTORY.

Explorations in Bible Lands during the Nineteenth Century is the subject of an important volume just published by Messrs. A. J. Holman and Co. It is written by a number of specialists. Professor Hilprecht acts as editor and contributes the leading article: "The Resurrection of Assyria and Babylonia."

Among the recent books is a comprehensive survey of the rise of Greek philosophy, its culmination in stoicism, and the influence of stoicism upon Christianity: *Greek and Roman Stoicism and Some of its Disciples*, by C. H. S. Davis (Boston, H. B. Turner and Co.).

The Cambridge University Press has lately brought out a work of first importance for the history of Rome: *Roman Private Law in the Times of Cicero and the Antonines*; 2 vols., by H. J. Roby, sold in this country by Macmillan and Co.

Stories in Stone from the Roman Forum, by Isabel Lovell (Macmillan, 1902) is an attractive little volume profusely supplied with good illustrations, telling in simple form of Roman life and customs and of some important facts in the history of the city.

The character and aims of Augustus, and the problem with which he had to deal in the Roman world, form the subject of a recent work by E. S. Shuckburgh: *Augustus. Life and Times of the Founder of the Roman Empire (B. C. 63–A. D. 14)* (London, Unwin). In the same field, Messrs. Putnam have added to the "Heroes of the Nations" a volume on Augustus: *Augustus Cæsar and the Organization of the Empire of Rome*, by J. B. Firth.

The fiftieth anniversary of the entrance of M. George Perrot into the École Normale Supérieure was made by his students and friends the occasion of publishing a volume of studies relating to classical archæology and ancient history and literature: *Mélanges Perrot, Recueil de Mémoires concernant l'Archéologie Classiques, la Littérature et l'Histoire Anciennes*. More than a score of the articles are of an historical order (Paris, Fontemoing).

Noteworthy article in periodical : P. Guiraud, *Histoire d'un Financier Romain* (Revue de Paris, January 15).

EARLY CHURCH HISTORY.

Messrs. Longmans, Green, and Co. have just brought out *The Age of the Fathers*, by William Bright ; being chapters in the history of the church in the fourth and fifth centuries. It is a work of a more popular order than Dr. Bright's earlier work on this period, *The History of the Church from 313 to 451*. On the same period they have issued also the second volume (from 324 to 430) of *A History of the Church of Christ*, by Reverend Herbert Kelley.

The eighteenth series of the Cunningham Lectures was given by Dr. Thomas M. Lindsay, principal of Glasgow College, on *The Church and the Ministry in the Early Centuries*. Ten subjects were treated, among them, "The Picture of a Church in Apostolic Times", "The Church of the First Century", "The Church of the Second and Third Centuries", and "The Roman State Religion and its Effects on the Organization of the Church" (New York, A. and C. Armstrong).

Dr. Adolph Harnack has published a second study preliminary to a history of the expansion of the Christian religion in the first three centuries: "Gemeindebildung und Bisthum in der Zeit von Pius bis Constantin", in the *Sitzungsberichte* of the Berlin Academy of Sciences for November 28.

MEDIEVAL HISTORY.

The memory of M. Paul Fabre has been honored by his friends through the publication of a volume of studies relating to medieval history: *Mélanges Paul Fabre. Études d'Histoire du Moyen Âge*. It contains thirty-three pieces (Paris, Picard).

Mr. Joseph McCabe, known of late by his *Abelard*, has written also *St. Augustine and his Age*, in which he proceeds by the aid rather of psychology than of theology (Putnam).

We have received a reprint of an article by Dr. David S. Schaff which appeared in the *Reformed Church Review* for January (pp. 94-107): "The Monasticism of the Middle Ages." It is a very general treatment, as may be clear from its length.

Messrs. Longmans are just publishing *The Destruction of the Greek Empire and the Story of the Capture of Constantinople by the Turks*, by Edwin Pears. Mr. Pears explains that there is important material at hand now which was not available to Gibbon.

A great part of the last two fascicles of the *Analecta Bollandiana* for 1902 is devoted to an index of Latin accounts of miracles of the Virgin written during the period from the sixth to the fifteenth century: *Index Miraculorum B. V. Mariæ quæ Saec. VI.-XV. Latine Conscripta Sunt*, by Alb. Poncetlet.

Students of heraldry may find of service two new extensively illustrated volumes by J. Foster: *Some Feudal Coats of Arms* (London,

Parker and Co.), with 2,000 zinc etchings, and *Some Feudal Coats of Arms from Heraldic Rolls, 1298-1418* (London, Foster), with 830 similar reproductions.

One of the late additions to the "Stories of the Nations" may be noted here, though it deals with the medieval period of India rather than of Europe: *Medieval India under Mohammedan Rule, 712-1764*, by Stanley Lane-Poole (Putnam).

Noteworthy articles in periodicals: Ernst Devrient, *Die Sweden und ihre Teilstämme* (Historische Vierteljahrschrift, January); H. Sachau, *Der erste Chalife Abu Bekr* (Sitzungsberichte der königlich preussischen Akademie der Wissenschaften, January 15); A. Rambaud, *L'Empereur de Carthage* (Revue de Paris, February 15); Walter Goetz, *Die ursprünglichen Ideale des hl. Franz von Assisi* (Historische Vierteljahrschrift, January); E. Cosquin, *La Légende du Page de Sainte Elisabeth de Portugal et le Conte Indien des Bons Conseils* (Revue des Questions Historiques, January).

MODERN HISTORY.

Mr. E. Belfort Bax's series on "The Social Side of the Reformation" has been completed by the publication of *The Rise and Fall of the Anabaptists* (London, Sonnenschein).

The Department of History of the University of Pennsylvania has published a revised edition of Professor George L. Burr's "The Witch Persecutions," in the series of *Translations and Reprints* (Vol. III., No. 4).

M. Jaurès, the eminent French socialist, is editing a monumental *Histoire Socialiste, 1789-1900*. The first three of the fifteen volumes proposed he has written himself, and they have already appeared, through MM. Rouff et Cie., Paris. They go only through 1792. M. Jaurès, it is said, will write also upon the war of 1870; and he will do the final volume, which is to deal with socialism in the nineteenth century.

The fifth volume of A. Sorel's *L'Europe et la Révolution Française* appeared recently. It treats of "Bonaparte et le Directoire: 1796-1804" (Paris, Plon-Nourrit). M. Sorel expects to complete his work in three more volumes.

Messrs. Putnam are publishing this spring an account of the slavery controversy from the earliest agitations in the eighteenth century to the close of the reconstruction period in America: *A Political History of Slavery*, in two volumes, by William Henry Smith.

The Cambridge University Press has just brought out a new volume by Professor Laurie of Edinburgh, containing *Studies in the History of Educational Opinion from the Renaissance*. It will publish also, in the same general field, *Erasmus of Rotterdam and his Doctrine of Education*, and a *History of Education since the Renaissance*, both by Professor W. H. Woodward.

Mr. H. R. F. Bourne, in order especially to vindicate the Aborigines Protection Society, has been led to write a book which is of the highest interest to students of the history of Europe in Africa: *Civilisation in Congoland: a Story of International Wrongdoing*, with a prefatory note by Sir Charles Dilke (London, P. S. King).

Noteworthy articles in periodicals: M. A. Tucker, *Gian Matteo Giberti, Papal Politician and Catholic Reformer*. I. (English Historical Review, January); H. D. Foster, *Brunetiere on the Work of Calvin* (Bibliotheca Sacra, January); P. Sakmann, *Ein Beitrag zur Biographie Voltaires* (Historische Zeitschrift, XC., 2); Louis Madelin, *Pie VI et la Première Coalition* (Revue Historique, January); Chr. Waas, *Bonaparte in Jaffa* (Historische Vierteljahrschrift, January); *The Rise and Influence of Darwinism* (Edinburgh Review, October).

GREAT BRITAIN AND IRELAND.

The Royal Historical Society will publish soon, as a memorial volume, careful bibliographies of Bishops Stubbs and Creighton, Dr. Gardiner, and Lord Acton.

"The Roman Legions in Britain, A. D. 43-72," by W. B. Henderson, forms the leading article of the *English Historical Review* for January. It gives a resumé of the various theories maintained, and makes definite choice between them.

Number 5 of the first volume of *The University of Missouri Studies* is devoted to "The Right of Sanctuary in England," by Professor Norman M. Trenholme (The University of Missouri, 1903, pp. 106). A study in institutional history, it aims "to give a concise and logical account of the English form of church asylum known as right of sanctuary, with its attendant forms, usages and customs, and the place it held in the national life of the country during the centuries in which the institution existed."

Messrs. Longmans have in the press *A Social History of Ancient Ireland*, by P. W. Joyce; two octavo volumes, with numerous illustrations.

At a meeting of the Royal Historical Society held in January Mr. Alexander Savine read a paper on "The Elizabethan Bondmen." It will be published in the next volume of *Transactions*.

Recently published materials relating to modern English history include Volume XXVI. of *Acts of the Privy Council*, in which Mr. Dasent carries the record from July, 1596, to March, 1597, and the *Calendar of State Papers, — Domestic* for 1673, edited by Mr. Daniell.

Messrs. Longmans are issuing a new and cheaper edition (Cabinet Edition) of S. R. Gardiner's *History of the Commonwealth and Protectorate, 1640-1656*, in four volumes, one of which is now out. Mr. Gardiner left only one chapter of the final volume ready for publication; this will appear as an extra chapter in the new edition, and also as a supplement to the Library Edition.

In *Robert Harley, Earl of Oxford, Prime Minister, 1710-1714*, a study of politics and letters in the age of Anne, Mr. E. S. Roscoe en-

deavors among other things to indicate the political influences which affected Harley's career, and to sketch his relations with contemporary statesmen (Putnam).

The third volume of the Hon. J. W. Fortescue's *History of the British Army*, published lately, extends from the close of the Seven Years' War to 1793 (Macmillan).

Recent books relating to modern English history include *The Great Marquess: Life and Times of Archibald, Eighth Earl, and First (and only) Marquess of Argyll (1607-1661)*, by John Willcock (London, Oliphant); *George Canning and his Times*, a political study, by J. A. R. Marriott (London, Murray); and *Sir A. Henry Layard, Autobiography and Letters*, edited by William N. Bruce (Murray).

The first volume of an extensive *History of the British Empire in the Nineteenth Century*, by M. R. P. Dorman, is announced for early publication. There are to be five or six volumes in all. The first deals with the period from the outbreak of the war with France to the death of Pitt (1793-1806) (Philadelphia, J. B. Lippincott).

London at different periods furnishes the subject-matter of two recent books. *London before the Conquest*, by W. R. Lethaby, deals with the topography of the city a thousand years ago; while *London in the Eighteenth Century*, by the late Sir Walter Besant, gives a sort of social picture of the place, suitable for an understanding of English literature and life in the time of Fielding, Smollett, and Addison (Macmillan).

What Mr. Stevenson did for the records of Nottingham, and Miss Bateson and Mr. Stevenson respectively for Leicester and Bristol, has now been done in some measure for Colchester by a member of its corporation, W. G. Benham. He has published, privately, *The Red Paper Book of Colchester*. The documents it contains belong to the period from Henry III. to Edward VI.

The seventh and concluding volume of *A History of Agriculture and Prices in England*, by James E. Thorold Rogers, has lately been edited, with sundry additions, by his son. This monumental work was some thirty-six years in publication, volumes one and two appearing in 1866 (Clarendon Press).

Dr. Emil Reich's long announced *New Student's Atlas of English History* (Macmillan) was published recently. It contains fifty-five maps, explanatory text, and an index. The maps differ from those usually provided by such books in that they are not made primarily for reference use; they are rather graphic representations of particular groups of facts, for example, the campaigns of the Hundred Years' War. It is to be feared that the price (\$3.25) hardly augurs well for very general purchase by classes in English history.

The Theory and Practice of the English Government is the title of a new work by Professor T. F. Moran, of Purdue University. It has American readers especially in view, and "an effort has been made

to present within reasonable compass a description of the actual working of the English government with some reference to its history and theory."

Three biographies of special interest are announced by Messrs. Macmillan: *Bishop Westcott*, by his son Reverend Arthur Westcott; *Sir George Grove*, by C. L. Graves; and *Charlotte M. Yonge*, by Christabel Coleridge. They also have in hand Mr. Bryce's *Biographical Studies*, which include Gladstone, Dean Stanley, Beaconsfield, Cardinal Manning, J. R. Green, T. H. Green, Parnell, Freeman, and Lord Acton.

English History told by English Poets (New York, The Macmillan Co., 1902, pp. xv, 452), compiled by Katharine Lee Bates and Katharine Coman, may serve not only to illustrate and enliven the study of English history in the schools, but also to introduce the youthful scholar to some of the British classics not readily accessible in any one place. Each selection is prefaced by an historical note, while difficult phrases and allusions are elucidated in an appendix. It is questionable whether a work of this sort can be used as an independent reader; but for supplementary or introductory purposes it should prove of value.

Noteworthy articles in periodicals: Charles Gross, *Modes of Trial in the Mediæval Boroughs of England* (Harvard Law Review, XV., No. 9); C. H. Firth, *Cromwell and the Crown*, II. (English Historical Review, January); *Diarists of the Last Century* (Quarterly Review, January).

FRANCE.

M. A. Molinier has finished the third fascicle of his part in *Les Sources de l'Histoire de France*. It bears the sub-title, "Les Capétiens (1180-1328)" (Paris, Picard).

The latest fascicles of the Lavissee *Histoire de France* give Professor H. Lemonnier's survey of "Les Guerres d'Italie. La France sous Charles VIII, Louis XII, et François I" (1492-1547)."

An important thesis was sustained at the University of Paris at the end of December by M. Gustave Dupont-Terrier on the local institutions of France at the end of the Middle Ages: *Les Officiers Royaux des Baillages et Sénéchaussées et les Institutions Monarchiques Locales en France à la Fin du Moyen-Âge*.

In the *Bulletin* of the New York Public Library for December last is printed, from the Hardwick manuscripts in that library, a letter concerning the assassination of Henry IV.: "Sir Ralph Winwood to Earl Salisbury on the Assassination of Henry IV., in 1610."

Two new editions of Carlyle's *French Revolution* have appeared lately, each in three volumes and each with introduction, notes, and appendixes; one being prepared for Messrs. Macmillan by J. H. Rose, the other for Messrs. Putnam by C. R. L. Fletcher.

It has been generally agreed that Bretagne played an important rôle in the Revolution. However, just what that rôle was and how it was

performed seems to have been left long undetermined. To contribute to knowledge upon this question Mr. Charles Kuhlmann has written a dissertation entitled "Influence of the Breton Club in the Revolution (April-October, 1789)," which appeared in the *University Studies* of the University of Nebraska for last October.

The government of the Terror and also that of the Directory required all the functionaries in the various branches of the administration to send in every ten days a full report of their doings. The importance of these reports for the political, religious, and economic history of France in their time is set forth in the *Revue d'Histoire Moderne et Contemporaine* for December last: "Les Comptes Décadaires des Autorités du Gouvernement Révolutionnaire et des Commissaires du Directoire," by A. Mathiez. In the same number, also, this journal begins a series of "Bulletins" upon work in the field of modern history at the principal provincial centers of study in France. The first of these "Bulletins" relates to Lyons. The February number contains an article describing police papers that are available for study of the Revolution, the Empire, and the Restoration: "Le Fonds de la Police Générale aux Archives Nationales," by Ch. Schmidt.

M. Charles Gomel continues his financial history of the Revolutionary period; we note the publication of the first volume of his *Histoire Financière de la Législative et de la Convention*, really the fifth of the complete work (Paris, Guillaumin). This new volume, it may be added, is severely criticized by L. Cahen in the February number of the *Revue d'Histoire Moderne et Contemporaine*.

The editor of the *Revue Napoléonienne*, A. Lumbroso, has brought out a volume containing portraits, facsimiles of autographs, and various published and unpublished writings upon the Duke of Reichstadt: *Napoleone II: Studi e Ricerche* (Rome, Bocca).

Two French societies interested in modern history, the Société de l'Histoire de la Révolution Française and the Société d'Histoire Moderne, are attempting, upon the initiative of Professor Aulard, to bring about a needed change in the method of editing the official collection known as *Les Archives Parlementaires*, which promised to be a complete reproduction of the debates from 1789 to 1860. At a meeting of the Société d'Histoire Moderne last December Professor Aulard exposed the faults of method in the sixty-two volumes already published, which reach as far as April 19, 1793. In volumes VIII.-XXXIII., for the Constituent Assembly, the editors have created a mosaic out of the official record of proceedings — which contains hardly more than important motions and decrees — and accounts in newspapers, like the *Moniteur* and the *Point du Jour*. The product is of little help to the discerning student and merely imposes on the ill-informed. This method was changed with volume XXXIV., as a result of criticism, but the change was hardly an improvement, for the mosaic effect was preserved, save that references were given to the newspapers from which the selections were taken. Latterly the

editors have been adding masses of irrelevant documentary material. In place of this method Professor Aulard suggests that such a collection should contain, first, a reprint of the *procès-verbal*; second, an account taken wholly from one newspaper, not necessarily the same newspaper for every session; and, third, a selection of other pieces useful for an understanding of the session. It is the hope of these societies to persuade the government not only to change the method for future volumes, but also to print in four or five supplementary volumes the *procès-verbal* up to April 19, 1793.

Messrs. Henry Holt and Co. will publish a translation, edited by Professor E. G. Bourne, of M. Auguste Fournier's *Napoleon I.* It will be accompanied by a critical bibliography of Napoleonic literature.

The third and final volume of M. Paul Viollet's indispensable *Histoire des Institutions Politiques et Administratives de la France* was published in January (Paris, Larose).

Noteworthy articles in periodicals: G. Clément-Simon, *Un Conseiller du Roi François I^{er}*; Jean de Selve, *premier Président du Parlement de Paris, Négociateur du Traité de Madrid* (Revue des Questions Historiques, January); A. Mathiez, *Le Bureau Politique du Directoire; Notes et Documents* (Revue Historique, January); P. Conard, *Les Mémoires de Marbot* (Revue d'Histoire Moderne et Contemporaine, January); F. Masson, *L'Exode de Lucien Bonaparte* (Revue de Paris, January).

SPAIN, PORTUGAL, ITALY.

The history of the Jews in Spain and Portugal furnishes the subject-matter of two articles in the January number of the *Jewish Quarterly Review*: "The Jews and the Spanish Inquisition," by R. J. H. Gottheil; and "The Jews in Portugal from 1773 to 1902," by Cardozo de Bethencourt.

The Italian government took an important step last autumn looking toward the gradual arrangement of an efficient central administration for the numerous public archives throughout Italy. Those who contemplate working in these archives may be interested in a short account of the decree of September 9, in the September-December number of the *Bibliographie Moderne*: "Le Nouveau Règlement Général des Archives d'État Italiennes," by E. Casanova.

GERMANY.

Eleven studies in the legal and economic history chiefly of the German peasantry, published hitherto in more or less inaccessible periodicals, have been revised and collected into one volume by their author, Dr. Theodor Knapp, of Tübingen: *Gesammelte Beiträge zur Rechts- und Wirtschaftsgeschichte vornehmlich des deutschen Bauernstandes* (Tübingen, H. Laupp).

The leading article in the current number of the *Historische Zeitschrift* (XC., 2) is an admirable treatment of "Das Contributionssystem

Wallensteins," by Moritz Ritter. It considers the subject in the perspective of the general development of military arrangements from the end of the Middle Ages and sets forth what fundamental inferences the German states drew from the experience of the 'Thirty Years' War, and especially from Wallenstein's part in it.

The first number of a series of "Geschichtliche Studien" recently started under the editorship of A. Tille (Gotha, F. A. Perthes) is by J. Ziekursch: *Die Kaiserwahl Karls VI. 1711*. Another new German collection bearing the title "Völkerideale, Beiträge zur Völkerpsychologie" (Leipzig, Werner) begins with *Germanen und Griechen*, by O. Stauf von der March.

A small volume on Frederick the Great was published recently at Paris: *Frédéric le Grand d'après sa Correspondance Politique*, by L. Paul Dubois (Perrin).

Students of the literary and social conditions of Germany a hundred years ago will find much to interest them in *The Life and Times of Georg Joachim Goschen, Publisher and Printer of Leipzig, 1752-1828*, 2 vols., by his grandson, Viscount Goschen (Putnam).

Several books concerning German history in the last century have appeared lately, notably: *Preussische Geschichte*, by Hans Prutz, the fourth volume, treating of "Preussens Aussteigen zur deutschen Vormacht (1812-1888)" (Stuttgart and Berlin, J. G. Cotta); *Kaiser Wilhelm und die Begründung des Reichs, 1866-1871*, by O. Lorenz (Jena, G. Fischer); and *Personal Reminiscences of Bismarck*, by Sidney Whitman (New York, Appleton).

NETHERLANDS, BELGIUM.

The *Revue Historique* for January-February contains an account, by Th. Bussemaker, of the state of historical studies in Holland, and of Dutch historical publications (excluding articles) during the last seven years.

The fifth volume of Fredericq's monumental *Corpus Documentorum Inquisitionis Hereticæ Pravitatis Neerlandicæ* has just appeared (Ghent, Vuylsteke; The Hague, Nijhoff), covering the period from September, 1525, to the close of 1528. The author also announces a collection of documents relating to the history of indulgences in the Netherlands.

M. Léon Vanderkindere has finished with the second volume of his *Formation Territoriale des Principautés Belges au Moyen Âge* (Brussels, Lamertin). The first volume of this work is concerned with the county of Flanders, from Charlemagne to Philip III.; the second deals with Lorraine, to the twelfth century; the third, completing the work, will trace the evolution of the principalities of middle Lorraine from the twelfth century to the Burgundian unification.

NORTHERN AND EASTERN EUROPE.

Historical scholarship has lost one of its finest representatives by the death of Gustav Storm, who worked especially on the legendary history

of the north. Among his publications are *Kritische Bidrag til Vikingetidens Historie*, *Monumenta Historica Norvegica*, and an edition and translation of Snorre Sturlasson's *Kongesagaer*.

In preparation for the "Cambridge Historical Series" are *Scandinavia*, a history of the three northern kingdoms from the end of the fifteenth century to the year 1900, by R. Nisbet Bain, and *The Expansion of Russia, 1815-1900*, by F. H. Skrine.

Noteworthy article in periodical: J. F. Chance, *The "Swedish Plot" of 1716-7* (English Historical Review, January).

AMERICA.

Scribner's Magazine, beginning with the February number, has a series of papers, by various authors, on the government of the United States. So far have appeared "The Presidential Office," by James Ford Rhodes, and "The Supreme Court of the United States," by Justice Brewer.

The *Literature of American History, Supplement for 1900 and 1901*, edited by Philip P. Wells, continues the work which was edited by Mr. J. N. Larned; as in that, there are critical and descriptive annotations.

Important changes have been made with reference to the quarterly *Americana Germanica*. It is being continued, since January, by the *German American Annals*, a monthly devoted to the comparative study of the historical, literary, linguistic, political, commercial, and other relations of Germany and America. Besides articles—some scientific, others of more popular interest—each number is to contain reviews, book notices, and lists of new publications. In addition it will be the organ of the German American Historical Society, the National German American Alliance, and the Union of Old German Students in America. The old name, *Americana Germanica*, will be continued as the title of a series of monographs. The January number of the *Annals* contains, among other articles, a preliminary report on some work for the American Ethnographical Survey, and an edition of "Benjamin Herr's Journal, 1830": both by the editor, M. D. Learned.

The Burrows Brothers Company, of Cleveland, have issued, in their series of reprints of early Americana, Wolley's *A Two Years' Journal in New York and Part of its Territories in America*, from the original edition of 1701, with an introduction and notes by Professor E. G. Bourne; *A Character of the Province of Maryland*, by George Alsop, from the original edition of 1666, with introduction and notes by Professor Newton D. Mereness; *Good Order established in Pennsylvania and New Jersey*, by Thomas Budd, from the original edition of 1685, with introduction and notes by Frederick J. Shepard; and Daniel Denton's *A Brief Description of New York formerly called New Netherlands*, from the original edition of 1670, with introduction by Felix Neumann. The volumes contain facsimile reproductions of the title-pages of the old

editions and are put forth in attractive form. The introductions are ample and satisfactory.

A small collection of the more important constitutional and political papers of our national period has been prepared by Professor Marshall S. Brown for "The Macmillan's Pocket Classics" series: *Epoch-Making Papers in United States History*.

Professor James A. Woodburn, of the University of Indiana, has made an analysis of the government of the United States, with a consideration of its fundamental principles and of its relations to the states and territories: *The American Republic and its Government* (Putnam). He has just published also another volume in the same general field, entitled *Political Parties and Party Problems in the United States*.

A History of American Political Theories, by Dr. C. E. Merriam, has just appeared. It traces the development of American political theories from colonial days to the present time (Macmillan).

A considerable work upon the history of American education is listed among the new publications of Longmans, Green, and Company: *The Making of our Middle Schools*, by Professor Elmer E. Brown, of the University of California. It aims to give a comprehensive account of the development of secondary education in the United States.

Messrs. Appleton have in the press, for their "Literature of the World Series," a *History of American Literature*, by Professor William P. Trent. It will cover properly the period from 1607 to 1865, but a "conclusion" treats briefly of the conditions of literature since the Civil War.

The history of Unitarianism in the United States, with reference to how it has organized and what it has accomplished, is set forth in a late volume by Reverend G. Willis Cooke: *Unitarianism in America: a History of its Origin and Development* (Boston, American Unitarian Association). We note also, in the field of American religious and church history: *A History of the Formation and Growth of the Reformed Episcopal Church, 1873-1902*, by Annie D. Price (Philadelphia, J. M. Armstrong), and a new edition, somewhat extended, of Dr. Ephraim Adams's *The Iowa Band*, concerned with early missions and Congregationalism in the middle west.

The sixth and final volume of Father J. B. Piolet's *Les Missions Catholiques Françaises au XIX^e Siècle* relates to America: "Missions d'Amérique." It is now appearing by fascicles, one each week (Paris, Colin).

The Librarian of Congress has planned the publication of a series of contributions to American library history, as forerunners to a general history of American libraries. The purpose of these contributions is to make more accessible and more complete the local records of American libraries, and particularly to describe and explain those points in local history which are of general significance.

In the "Monograph Series" of the United States Catholic Historical Society appears *Unpublished Letters of Charles Carroll of Carrollton and of his Father Charles Carroll of Doughoregan* (New York, 1902). They are compiled and edited by Thomas Meagher Field, who also writes a short introductory memoir. Most of the letters, it seems, have been really unpublished heretofore; some few extracts, the preface tells us, appeared in 1874 in *Appleton's Journal*.

The Valley Forge Orderly Book of General George Weedon, of the Continental Army under Command of General George Washington, in the Campaign of 1777-8, describes the events of the battles of Brandywine, Warren Tavern, Germantown, and Whitemarsh, and of the camps at Neshaming, Wilmington, Pennypacker's Mills, Skippack, Whitemarsh, and Valley Forge (Dodd, Mead, and Co.).

The Bibliophile Society, of Boston, is expecting to publish sometime this year—for its members only—the journal kept by Major André while serving on the staff of General Grey in the Revolution. This journal, the manuscript of which was recently discovered at Howick, in Northumberland, extends from June of 1777 to the close of 1778. It includes forty-four maps which will be reproduced in facsimile. Senator Lodge will contribute an introduction.

Colonel John Gunby of the Maryland Line, by A. A. Gunby, is published by the Robert Clarke Company (Cincinnati, 1902, pp. v, 136). A good portion of the volume is taken up with a consideration of the campaigns in the south, 1779-1781. The author takes issue with the court of enquiry which declared that Gunby's "improper and unmilitary" order at the battle of Hobkirk's Hill, April 25, 1781, was "in all probability the only cause why we did not obtain a complete victory."

Messrs. A. S. Barnes and Co. announce *The Real Benedict Arnold*, by Charles Burr Todd, in which Arnold's treason will be traced to the influence of his wife and his fear of losing her in case her own treasonable correspondence with the British officers should be discovered.

Mrs. Gertrude Atherton has collected some of Hamilton's letters, with the idea of enabling Hamilton's admirers to form a much more close estimate of his character than is possible from other sources: *A Few of Hamilton's Letters* (Macmillan).

Mr. Gaillard Hunt has written *The Life of James Madison* for "The Biographical History of the United States," of which it will form the first volume (Doubleday, Page, and Co.).

Mr. Charles Francis Adams delivered a speech at the dinner of the New England Society, of Charleston, S. C., December 22, 1902, on "The Constitutional Ethics of Secession," in which he shows that the growing differences between the north and south were due to changing conditions that were really responsible for the final outcome: the individual was more and more minimized, a sort of great fatalistic process led on to the inevitable and unexpected, and at last the question of secession was

in the hands of steam and electricity. He also delivered a speech at the thirteenth dinner of the Confederate Veterans' Camp, of New York, January 19, on "War is Hell"; the burden of which was that, when the time is ripe, a statue to the memory of Robert E. Lee should be erected in Washington, the expense to be met by private contributions, but the location to be designated by Congress. These two speeches have been published in pamphlet form by Houghton, Mifflin, and Co.: *The Constitutional Ethics of Secession and War is Hell*.

The January number of the *Bulletin* of the Boston Public Library contains, among other letters there printed, an interesting letter from David Howell to John Brown written in January, 1801, and bearing on the contested election of the previous year.

Houghton, Mifflin, and Co. have published in two volumes *The Anti-slavery Papers of James Russell Lowell* (Boston, 1902). The papers, over fifty in number, appeared originally in *The Pennsylvania Freeman* and *The National Anti-Slavery Standard*, between 1845 and 1850. Those interested either in Lowell's personal career and development or in the history of the struggle against slavery will welcome these books. It is well that some of the most vigorous writing that Lowell did should not remain buried where the articles were first printed. Most of the articles appearing here were printed, we are told, from the original manuscripts.

Ex-Secretary John W. Foster has an article in the March number of *The National Geographic Magazine*, on "The Canadian Boundary"; a review of the methods by which the line has been adjusted and marked. He has also just published, through Houghton, Mifflin, and Co., a book designed to show the part which the United States has taken, and the position it now occupies in respect to the political, commercial, and race questions in the orient: *American Diplomacy in the Orient*.

The American Jewish Historical Society recently distributed Number 10 of its *Publications*. Besides the address of the president, Dr. Cyrus Adler, given at the tenth annual meeting, it contains especially the following articles: "References to the Jews in the Diary of Ezra Stiles," by Morris Jastrow, Jr.; "A Method of Determining the Jewish Population of large Cities in the United States," by George E. Barnett; "Jewish Activity in American Colonial Commerce," by Max J. Kohler; "The Jews of Georgia in Colonial Times," by Leon Hühner; "The Cincinnati Community in 1825," by David Philipson; "New Light on the Career of Colonel David S. Franks," by Oscar S. Straus; "Sampson Simson," by Myer S. Isaacs; "The Damascus Affair of 1840 and the Jews of America," by Joseph Jacobs; "Solomon Heydenfeldt: A Jewish Jurist of Alabama and California," by Albert M. Friedenberg; "The Jews in Curaçao," by G. Herbert Cone.

Messrs. George N. Morang and Co. have just announced *Sir Wilfred Laurier and the Liberal Party, a Political History*, by J. S. Willison.

No one can be better qualified than the late editor of the *Toronto Globe* for writing a history of political affairs in Canada since the Confederation, a period during which the Dominion has been steadily laying the foundation of a nation.

The same publishers propose issuing this year a series of biographies to be called the "Makers of Canada." Among the first volumes to be brought out are those on Champlain by N. E. Dionne, Wolfe and Montcalm by the Abbé Casgrain, Simcoe by D. C. Scott, Egerton Ryerson by Chancellor Burwash, Cartier by A. D. De Calles, Haldimand by Miss McIlwraith, Elgin by Sir John Bourinot, Broch by Lady Edgar, Dorion by Sir Wilfred Laurier, Frontenac by W. D. Le Sueur.

Mr. C. C. James, Deputy Minister of Agriculture, Ontario, has issued some copies of the paper which he contributed to the Royal Society of Canada, on the "First Legislators of Upper Canada." It contains within its twenty-seven pages a mass of information, political and personal, about the formation of parliamentary government (1792-1796) in what is now Ontario.

Our list of local financial histories has been notably increased by a late number in the *Publications* of the American Economic Association: "A History of Taxation in New Hampshire," by Maurice H. Robinson (Macmillan).

Mr. Daniel Munro Wilson is the author of *Where American Independence Began* (Boston, Houghton, 1902, pp. xiii, 289). It is a narrative, not unpleasantly written in spite of a plethora of exclamation and interrogation, of old Braintree and Quincy, and of the men and women who made the place famous.

We have received a reprint of an article which appeared in the January number of the *New England Historical and Genealogical Register*: "Ezekiel Cheever," by John T. Hassam. The writer's purpose is to insure greater publicity to a correction that he has made twice before, to the effect that Cheever was not the author of the Latin and Greek poems preserved in manuscript in the library of the Boston Athenæum and first published in the *Register* in 1879.

The history of Rhode Island seems to be receiving considerable attention of late. We have had two volumes by Mr. Richman (Putnam), noticed in this number of the *REVIEW*, for the time of Roger Williams; and two volumes of *Correspondence of the Colonial Governors of Rhode Island, 1720-1775*, edited by Gertrude S. Kimball (Boston, Houghton, Mifflin, and Co.). Also Mr. S. S. Rider, of Providence, announces that he has nearly completed his *History of the Development of a Constitutional Government in Rhode Island*; and Reverend Lucian Johnson has lately dealt with the question of priority in the establishment of religious liberty as between the colonies of Roger Williams and Lord Baltimore: *Religious Liberty in Maryland and Rhode Island* (Brooklyn, International Catholic Truth Society, pp. 56).

The *Bulletin* of the New York Public Library for February contains the first part of "List of Publications of New York General Assembly, 1693-1775."

Mr. Frank Pierce Hill, of the Brooklyn public library, and Mr. Varnum Lansing Collins, of the Princeton University library, have privately published (1902) a list of books, pamphlets, and newspapers printed at Newark, New Jersey, from 1776 to 1900. The list comprises 1,553 titles. The book is supplied with notes and an index.

The December number of the *Pennsylvania Magazine of History and Biography* contains mainly continuations and conclusions, notably the last installment of Dr. E. H. Baldwin's "Joseph Galloway, the Loyalist Politician."

The Southern History Association in its *Publications* for January begins what is believed to be the first complete edition of Major John Redd's "General Joseph Martin." It gives also, besides continuations of material previously noticed, the first installment of a body of documents relating to the progress of Texas revolutionary sentiment, beginning in June, 1835: "Documentary Progress of Texas Revolutionary Sentiment as seen in Columbia."

The autobiography of Professor Joseph Le Conte, which is to be published this year by Messrs. Appleton, will no doubt contain matter of interest to students of American history. His reminiscences deal largely with the south, where he was born and where he spent his youth.

In the opening article of the *South Atlantic Quarterly* for January Dr. J. M. Callahan gives some account of the "Pickett Papers,"—which embrace the larger part of the diplomatic correspondence of the Confederate government,—with reference to their importance as historical material. The same number contains also, with other matter, "Moses Coit Tyler and Charles Sumner," by W. H. Glasson, being a report of some of Mr. Tyler's class-room reminiscences; and "The French Constitution of 1791 and the United States Constitution: a Comparison", by C. H. Rammelkamp.

Atlanta University has just issued the seventh number of her studies of the negro problem: *The Negro Artisan*, edited by W. E. B. DuBois. It contains, with other matter, a short history of the negroes as artisans.

Numbers 11-12 in Series XIX. of the *Johns Hopkins University Studies* are devoted to *Governor Thomas H. Hicks of Maryland and the Civil War*, an endeavor to trace his course, by George L. P. Radcliffe.

The *Virginia Magazine of History and Biography* for January contains, among the new pieces, a list of slave-owners in Westmoreland county, Virginia, in 1782, and lists of the House of Burgesses for 1683 and 1684. There are also several continuations, notably "The Abridgment of Virginia Laws, 1694", "The John Brown Letters", and "The Ferrar Papers."

The University of North Carolina has published, as Number 3 of the *James Sprunt Historical Monographs*, "Letters of Nathaniel Macon, John Steele, and William Barry Grove," edited by Professor Kemp P. Battle. The letters bear various dates between 1792 and 1824, and deal with both national and state affairs. The editorial work is marked especially by copious explanatory notes.

The *South Carolina Historical and Genealogical Magazine* for January continues "Papers of the Second Council of Safety"; likewise "Letters from Hon. Henry Laurens to his son John, 1773-1776." Besides it begins an extensive genealogy: "The Descendants of Col. William Rhett, of South Carolina."

The *American Historical Magazine* for January contains: "William Blount and the old Southwest Territory", by A. V. Goodpasture; "The Genesis of the Peabody College for Teachers", by W. R. Garrett; "Madison County", continued, by J. G. Cisco; "The Preservation of Tennessee History," by R. A. Halley — bearing on a state of affairs by no means confined to Tennessee; "The Development of Education in Tennessee," by H. M. Doak; and "From Bardstown to Washington in 1805," an unsigned diary.

The Michigan Pioneer and Historical Society is preparing to publish, from the library of Mr. C. M. Burton in Detroit, a collection of valuable papers relating to the War of 1812 and throwing much additional light upon the movements of the army in the northwest and Canada. They include the Askin papers, the Woodbridge papers, and a quantity of military records evidently captured from the British at the battle of the Thames.

The State Historical Society of Wisconsin has begun to print in its *Collections* (Vol. XVI.) the more important documents throwing light upon the French régime in Wisconsin. The materials are gathered from various sources, chiefly perhaps from the *Jesuit Relations*. The intention is not to print documents hitherto unpublished, but to bring together into one place the most useful matter for the understanding of early Wisconsin history. The volume contains a number of good illustrations, helpful notes, and an index.

In the January *Quarterly* of the Texas State Historical Association one finds especially *The Tampico Expedition*, an episode of the Texas revolution, by Eugene C. Barker, and *Tienda de Cuervo's Ynspeccion of Laredo, 1757*, by H. E. Bolton, which is a translation, with notes, of documents upon the beginnings of Laredo. There is also the second installment of "Reminiscences of C. C. Cox," and the beginning of "Reminiscences of Early Texans," collected from the Austin papers by J. H. Kuykendall.

In the *Proceedings and Collections of the Nebraska State Historical Society*, second series, Volume IV., appears a substantial book by Thomas Weston Lipton, entitled "Forty Years of Nebraska, at Home and in

Congress." It gives short biographical sketches of territorial and state governors, and of several United States senators and representatives. A considerable portion of the book is made of selections from public documents and from printed or unprinted speeches. The fifth volume in the same series is largely taken up with recollections of early pioneer days in the west. Three of the papers, including the president's address, deal with territorial journalism.

We have the pleasure of welcoming a new Iowa enterprise, *The Iowa Journal of History and Politics*. It is to be published quarterly by the State Historical Society of Iowa; it is in fact the successor of the *Iowa Historical Record*, published by the same society from 1885 to October, 1902; its object is to bring to the study of Iowa and western history a more critical attitude; and it is to be edited by Professor Benjamin F. Shambaugh. The first number, January, 1903, contains four articles: "Joliet and Marquette in Iowa", by Laenas Gifford Weld; "The Political Value of State Constitutional History", by Francis Newton Thorpe; "Historico-Anthropological Possibilities in Iowa", by Duren J. H. Ward; and "A General Survey of the Literature of Iowa History", by Johnson Brigham. Besides there are reviews, and some ten pages of "Notes and Comment." These contents appear in a becoming dress—good paper, tasteful printing, and an open, wide-margined page.

The January number of the *Annals of Iowa*, published, it will be remembered, by the Historical Department of Iowa, contains "Safety Appliances on the Railroads", by L. S. Coffin; "Gov. John Henry Gear", by W. H. Fleming; "The Eastern Border of Iowa in 1823", being a part of J. C. Beltrami's *Pilgrimage in Europe and America* (London, 1828), edited by William Salter; and "My Boyhood Recollections of the Sac and Fox Indians", by Charles A. White.

Noteworthy articles in periodicals: Will H. Low, *A Century of Painting in America* (McClure's Magazine, beginning in February); Thomas A. Janvier, *The Dutch Founding of New York* (in Harper's Magazine, since February); Justin H. Smith, *The Prologue of the American Revolution* (running in the Century since November); J. R. Spears, *Benedict Arnold—Naval Patriot* (Harper's Magazine, January); M. A. DeWolfe Howe, *Episodes of Boston Commerce* (Atlantic Monthly, February); W. L. Scruggs, *The Monroe Doctrine—Its Origin and Import* (North American Review, February); F. J. Turner, *Contributions of the West to American Democracy* (Atlantic Monthly, January); Ida M. Tarbell, *A History of the Standard Oil Company* (running in McClure's Magazine, since November); G. H. Montague, *The Later History of the Standard Oil Company* (Quarterly Journal of Economics, February); W. E. Safford, *Guam and its People* (American Anthropologist, October, December).

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THE continental derivation of the system of trial by jury is now generally accepted by scholars. First demonstrated thirty years ago by Brunner in his masterly treatise on the origin of juries,¹ this view has at length triumphed over the natural disinclination of Englishmen to admit that the palladium of their liberties "is in its origin not English but Frankish, not popular but royal."² Whatever one may think of the Scandinavian analogies, there is now no question that the modern jury is an outgrowth of the sworn inquests of neighbors held by command of the Norman and Angevin kings, and that the procedure in these inquests is in all essential respects the same as that employed by the Frankish rulers three centuries before. It is also the accepted opinion that while such inquests appear in England immediately after the Norman conquest, their employment in lawsuits remains exceptional until the time of Henry II., when they become, in certain cases, a matter of right and a part of the settled law of the land. From this point on, the course of development is reasonably clear; the obscure stage in the growth of the jury lies earlier, between the close of the ninth century, when "the deep darkness settles down" over the Frankish empire and its law, and the assizes of Henry II. Information concerning the law and institutions of this intervening period must be sought mainly in the charters of the time, and it is upon their evidence that Brunner based his conclusions as to the persistence of the Frankish system of inquest in Normandy. Unfortunately the great German jurist was obliged to confine his in-

¹ Brunner, *Die Entstehung der Schwurgerichte* (Berlin, 1872). Brunner's results are accepted by Stubbs, *Constitutional History* (sixth edition), I. 652 ff.; Pollock and Maitland, *History of English Law* (second edition), I. 138 ff.; Thayer, *Development of Trial by Jury*, ch. II.

² Pollock and Maitland (2d ed.), I. 142.

vestigations to the materials available at Paris, and while further research tends to confirm most of the inferences which his sound historic sense drew from the sources at his disposal, it also shows the need of utilizing more fully the documents preserved in Norman libraries and archives.¹ The present study does not profess to represent the results of prolonged search through the various repositories of Norman documents, nor does it consider the early history of the sworn inquest in England;² while some other sources have been drawn upon, the article is based primarily upon the collection that seems to throw most light upon the early Norman inquests, namely, the "Old Cartulary," or *Livre Noir*, of the chapter of Bayeux. Although knowing it only through extracts made by

¹ The study of early Norman charters is much facilitated by Mr. Round's *Calendar of Documents Preserved in France* (918-1206), in the *Calendars of State Papers*, but this collection is not rich in materials bearing upon the history of the jury. It may appear ungrateful to criticize a work of such genuine scholarship and manifest convenience, but it is only fair to put students on their guard against supposing that Mr. Round has given anything like a complete calendar of the materials for early English history preserved in French archives and libraries. He labored under the disadvantage of having to base his work upon a collection of old transcripts, many of them wretchedly careless, in the Public Record Office, but in collating these with the manuscripts he assures us that he took advantage "of the opportunity presented by this work of revision to traverse again the ground from which the transcripts were derived, in order to ascertain whether any documents had been omitted," with the result of "a large addition to the number" (preface, x). Very likely the example may not be typical, but one's faith in the thoroughness of the editor's researches is sadly shaken by the discovery that in spite of the obviously close connection of the diocese of Bayeux with English history Mr. Round did not examine any of the cartularies of Bayeux cathedral (library of the cathedral, MSS. 193, 206-208; Bibliothèque Nationale, MS. Lat. n. a. 1828), the monastic cartularies of the diocese preserved in the cathedral library, or the cartulary of the hospital of Bayeux (Bibliothèque de la Ville de Bayeux, MS. 1), although these manuscripts are described in printed catalogues, and the transcripts mention documents in one of the cartularies additional to those transcribed (*Cartulaire de la Basse Normandie*, Public Record Office, I. 46-53). Several documents from these cartularies might also have been found in print. Nor can one be sure, even in regard to the collections examined, that the editor has calendared everything of importance, even "all charters of English kings and of their immediate relatives" (preface, xii). He has, for example, omitted an important charter of the Empress Matilda for Savigny (No. 280 in the cartulary at Saint-Lô; see below, p. 631 n.), numerous documents of her husband Geoffrey in Angevin collections, and two charters of the Empress and one of Queen Eleanor for Le Valasse (Somménil, *Chronicon Valassense*, 38, 94, 101).

On the other hand, I have discovered few serious mistakes in the editing of the documents included in the *Calendar*, although where so much care has been given to matters of chronology it is annoying to be obliged to take Mr. Round's dates on faith, without having before one the reasons for his conclusions. It is a great pity that the authorities of the Record Office did not take advantage of Mr. Round's skill as an editor and his unrivaled knowledge of early genealogy to the extent of entrusting to him and competent assistants the preparation of a complete calendar or, better, a *corpus* of the materials in France that throw light on the Norman and Angevin periods of English history.

² For cases in England between the Conquest and the assizes of Henry II. see Palgrave, *English Commonwealth*, II. clxxvi; Bigelow, *Placita Anglo-Normannica*; and cf. Pollock and Maitland (2d ed.), I. 143.

others, Brunner discerned the capital importance of this cartulary to the student of legal history, and urged its immediate publication, but his appeal brought no result until last summer, when the first volume of an edition appeared.¹

Through the kindness of M. Deslandes, archivist of the chapter and honorary canon of the cathedral of Bayeux, I was permitted, in August last, to collate the manuscript of the cartulary, which is still preserved in the cathedral library; and an examination of the manuscript disclosed some significant evidence which seems to have escaped earlier investigators and does not appear in the printed text. As is often true in such cases, the study of the cartulary may seem to raise as many questions as it settles, but some points of importance may be determined, and we are also enabled to see more of the setting of documents already known and to understand more clearly the workings of the Norman judicial system.²

One of the most interesting portions of Brunner's work is that which treats of the date when the procedure by recognition ceased to be an exclusive prerogative of the king and became part of the regular system of justice.³ This extension of the king's preroga-

¹ *Antiquus Cartularius Ecclesie Baiocensis (Livre Noir)*, edited by Bourrienne, I. (Rouen and Paris, 1902, Société de l'Histoire de Normandie). The chief defects of the edition are the failure to indicate where doubtful abbreviations or initials have been extended, to observe the indications of authorship preserved on the margins, and to fix with precision the dates of the documents. A defective analysis of the cartulary was published by Léchaudé d'Anisy in the *Mémoires de la Société des Antiquaires de Normandie*, VIII. 435-454, and extracts from it are in his papers at the Bibliothèque Nationale (MS. Lat. 10064) and in the transcripts made by him for the English government and preserved at the Public Record Office (*Cartulaire de la Basse Normandie*, I. 46-53). It would be hard to find anything more careless and unintelligent than this portion of Léchaudé's copies, which form the basis of the analyses in Round's *Calendar* (Nos. 1432 ff.). As a specimen may be cited his account of Nos. 34 to 42 of the cartulary: "Suivent neuf autres, brefs du même roi Henry II. qui n'offrent maintenant pas plus d'intérêt que les vingt-six précédentes." As a matter of fact only three of these documents emanate from Henry II., three being of Henry I., one of Geoffrey, one of Robert, earl of Gloucester, and one of Herbert Poisson; while three of the documents are of decided importance in relation to the Norman jury. Some use was made of the *Livre Noir* by Stapleton in his edition of the Norman exchequer rolls and by Delisle in his essay on Norman finance in the twelfth century (*Bibliothèque de l'École des Chartes*, X. 173 ff.). Brunner used Delisle's copies, from which he published numerous extracts in his *Schwurgerichte*. Sixteen of the documents of most importance for the history of the jury are printed by Bigelow in the appendix to his *History of Procedure*, Nos. 40-55, but without any serious effort to determine questions of date and authorship (cf. Brunner in *Zeitschrift der Savigny-Stiftung, Germ. Abt.*, II. 207).

² The Bayeux cartulary preserved at the Bibliothèque Nationale (MS. Lat. n. a. 1828) and the documents contained in the *Ordinaire et Coutumier de l'Église Cathédrale de Bayeux*, published by Chevalier as the eighth volume of his *Bibliothèque Liturgique*, contain but little bearing on the jury. There is nothing on this subject in the Bayeux cartularies in the Phillips Library at Cheltenham (MSS. 10337, 21709).

³ Chapter XIV.: "Die Einführung des ordentlichen Recognitionsprocesses."

Normandy and count of Anjou whose name is left blank in the cartulary. One of them¹ directs two of the duke's justices to determine by recognition, *secundum assisiam meam*, who was seized of certain fiefs in the time of Henry I.; the other commands another justice to hold recognition throughout his district, *secundum assisiam meam*, concerning the fiefs of the bishop of Bayeux, and at the same time threatens one of the bishop's tenants with such a recognition unless he gives up a knight's fee wrongfully withheld from the bishop.² While the author of the second and third of these documents (Nos. 25 and 24) is not named, the style of duke of Normandy and count of Anjou was used only by Geoffrey Plantagenet and by Henry II. between his father's death in 1151 and his coronation as king in 1154.³ That the duke in question was not Geoffrey, Brunner was led to maintain from the recurrence of the phrase *assisa mea* in the writ of Henry relating to Caen; if "my assize" meant Henry's assize in the one case, it must have meant his assize in the other.⁴ Inasmuch as the assize referred to is obviously a general ordinance concerning the procedure by recognition, the introduction of this form of procedure is to be ascribed to its author, the young duke Henry II.

Such is the essence of Brunner's argument, which hinges upon two points — the meaning of the phrase *assisa mea*, and the authorship of the two anonymous writs, Nos. 24 and 25. In the matter of authorship Brunner, while confident of his interpretation — and his confidence seems to have grown into certitude since the publication of the *Entstehung*⁵ —, still admitted that a final decision was

¹ *Livre Noir*, No. 25; Bigelow, 393, No. 47; Brunner, 302, No. 2; not in Round.

² *Livre Noir*, No. 24; Bigelow, 392, No. 46; Brunner, 302, No. 3; Round, No. 1439; Stapleton, *Magni Rotuli Scaccarii Normanniae*, I. xxxiv.

³ Henry received the duchy of Normandy from his father in 1150 and became count of Anjou on his father's death, September 7, 1151. His marriage with Eleanor in 1152 gave him the additional title of duke of Aquitaine. The absence of the last-named title from one of his charters does not, however, prove that the document is anterior to his marriage, as may be seen from an original published by Delisle (*Cartulaire Normand*, No. 7; Round, *Calendar*, No. 1279) which cannot be earlier than Henry's visit to England in 1153. Nos. 24 and 25, if of Henry, would fall between 1151 and 1154; Brunner places them between 1150 and 1152.

⁴ *Schwurgerichte*, 303 and note, where the silence of No. 39 in the *Livre Noir* is also urged. Brunner's conviction seems to have been fortified by the authority of Delisle (see *Zeitschrift der Savigny-Stiftung, Germ. Abt.*, II. 207), although Delisle, perhaps following Stapleton, had formerly assigned No. 24 to Geoffrey (*Bibliothèque de l'École des Chartes*, X. 260, note 2). Round, who does not calendar No. 25, ascribes No. 24 to Geoffrey (*Calendar*, No. 1439).

⁵ In 1896 in a review of Pollock and Maitland he says: "Nach Lage der Urkunden des Liber niger capituli Baiocensis ist es zweifellos, dass die Einführung der Recognitionen in der Normandie 1150–1152 stattfand." *Zeitschrift der Savigny-Stiftung, Germ. Abt.*, XVII. 128. Cf. *ibid.*, II. 207; Holtzendorff, *Encyclopädie der Rechtswissenschaft*, edition of 1890, 325; *Political Science Quarterly*, XI. 537.

impossible before the rich treasures of the *Liber Niger* should be accessible in print. Now that the published cartulary lies before us, it appears that while the editor follows Brunner in ascribing the critical documents to Henry II., he brings no new evidence to light; the name of the duke does not appear in the printed text. Fortunately, however, a close examination of the manuscript of the cartulary reveals something more. Those familiar with the habits of medieval scribes are aware that when, as here, the initial letter was left blank for the rubricator, it was usual to give him some indication of the omitted letter by marking it lightly in the blank space or on the margin.¹ Now an attentive examination of the well-thumbed margins of the *Livre Noir* shows that the initial was clearly indicated in a contemporary hand, and that not only in Nos. 24 and 25 but in ten other documents left anonymous in the edition² the initial is G. The author of the writs in question was accordingly not Henry, but his father Geoffrey. "My assize" was Geoffrey's assize in the first instance, even if the expression was later adopted by Henry; and if Brunner's contention is sound as to the conclusion to be drawn from the phrase, it was Geoffrey Plantagenet who first established the recognition as a regular form of procedure in Normandy. In continuing the employment of this procedure in Normandy and in extending it to England Henry II. was simply carrying out the policy begun by his father. This conclusion necessarily follows if we accept Brunner's premises, but one of them, the phrase *assisa mea*, requires further investigation. Before undertaking, however, to analyze in detail the writs in which this expression is found, it is necessary to place them in their proper setting by tracing the history of the litigation concerning the rights and possessions of the bishop of Bayeux and by examining, as carefully as the material at hand permits, the procedure employed in the bishop's behalf.

The see of Bayeux, which had occupied a position of wealth

¹ Where they have often been cut off in binding.

² Nos. 16, 17, 18, 19, 30, 43, 44, 89, 90, 100. Throughout the cartulary the initial letter of charters is again and again indicated in this way, only in most of the other cases the rest of the first word was written out in the text, so that the missing letter could readily be supplied without recourse to the margin. The charters of Henry II. regularly (No. 436 seems to be the only exception) have something more of the duke's name than the initial. In all the charters of Geoffrey, as well as in many others, there is also a marginal "sic" in what appears to be a somewhat later hand, evidently that of a medieval collator.

M. Henri Omont, head of the department of manuscripts of the Bibliothèque Nationale, who happened to visit the chapter library just as I had finished examining the manuscript of the cartulary, had the kindness to verify my reading of the marginal initials. In the Bayeux cartulary in the Bibliothèque Nationale (MS. Lat. n. a. 1828, f. 154) No. 17 of the *Livre Noir* likewise appears with the initial G. indicated, this time in the blank space itself.

and importance in the eleventh century, especially in the days of Bishop Odo, the famous half-brother of William the Conqueror, suffered serious losses from the weakness and neglect of Odo's immediate successors, Torold and Richard Fitz-Samson.¹ After Richard's death in Easter week, 1133,² "in order that the church of Bayeux might not be utterly ruined," Henry I. ordered an inquest to be held, on the oath of ancient men who knew the facts, to ascertain the holdings of the church as they had existed in Odo's time, with respect both to the demesne and to the fiefs of knights, vavassors, and rustics. Accordingly "all these were sworn and recognized and by the king's command restored to the said church," which was confirmed in its possessions by a royal charter.³ The writ directing this inquest, the record of the returns from the bishop's demesne,⁴ and the confirmatory charter are referred to in documents of Geoffrey and Henry II., but they have not come down to us. Fortunately, however, the returns of the inquest relating to military tenures have been preserved and give an idea of the procedure employed. The recognition was held before the King's son, Robert, earl of Gloucester, sent to Bayeux for this purpose immediately after the death of Bishop Richard. Twelve⁵ men were chosen, and sworn to tell the truth concerning the fiefs and services; and their returns, besides stating the military obligations of the bishop and the customary reliefs and aids due him, cover in detail the holdings and services of his knights and vavassors, beginning with the principal tenant, Earl Robert himself, whose statement is incorporated verbally into their report.⁶

¹ On the history of the possessions of the see cf. Bourrienne's introduction to his edition of the *Livre Noir*, xxxiii. ff.

² Ordericus Vitalis, ed. Le Prévost, V. 31.

³ Ne funditus ecclesia predicta destrueretur, provide Henricus rex, avus meus, instituit ut iuramento antiquorum hominum qui rem norant recognoscerentur tenedure iam dicte ecclesie sicut fuerant in tempore predicti Odonis, tam in dominicis quam in feodis militum, vavassorum, et rusticorum; ipsius equidem tempore hec omnia iurata sunt et recognita et sepe dicte ecclesie precepto eius resignata et munimine carte sue, quocumque modo a possessione ecclesie alienata essent, reddita sunt et confirmata. Writ of Henry II., *Livre Noir*, No. 14; Brunner, 264; Bigelow, 389. The inquest of Henry I. is also mentioned in a bull of Lucius II. (*Livre Noir*, No. 206) and in a later writ of Henry II. (*ibid.*, No. 32). The date is fixed by a document of Geoffrey (*ibid.*, No. 39): post mortem Ricardi episcopi, filii Sansonis.

⁴ Recognitum est sicut continebatur in scripto quod factum fuerat secundum iuramentum quod rex Henricus antea fieri preceperat. *Livre Noir*, No. 39; Bigelow, 395. That this *scriptum* was not the same as the *carta* seems probable from the different word used and from the preservation of a separate record of the military tenures.

⁵ Only eleven are given in the returns, but twelve are named in the *Red Book of the Exchequer*, the name of Helto the constable having been omitted from the Bayeux text.

⁶ The document was first published by Léchaudé from a private copy (now MS. Lat. 10064 of the Bibliothèque Nationale, f. 3) made from a register formerly in the

How much was accomplished by these proceedings toward the recovery of the bishop's rights, we have no means of knowing. That they were for a time more carefully observed may perhaps be inferred from the fact that the profits of the see would naturally fall to the King during the interval of two years which elapsed before Henry's nominee to the vacant see could be consecrated,¹ and that during this period the King remained in Normandy.² However, the new bishop, Richard of Kent, was a son of Robert, earl of Gloucester, and in the stormy times that followed the see seems to have been at the mercy of his father, who soon succeeded in usurping the greater part of its property.³ The reestablishment of the bishop's fortunes was the work of Richard's successor, Philippe d'Harcourt, bishop from 1142 to 1163, within whose episcopate the evidence of value for the early history of the Norman jury is chiefly found. Wise in the knowledge of this world which is foolishness with God, as the contemporary abbot of Mont-Saint-Michel describes him,⁴ Philip seems to have begun his arduous struggle for the recovery of his possessions immediately upon his accession, and to have sought from the beginning the support of the papacy. When his sentences of excommunication proved ineffective in spite of papal sanctions,⁵ Philip made in 1144 the first of a number of journeys to Rome,⁶ and on May 16 of that year obtained from Pope Lucius II. three important bulls which mark a turn in the fortunes of the church of Bayeux. One, addressed to Philip himself, enumerated and confirmed the ancient privileges and possessions of the see.⁷

episcopal archives; *Mémoires de la Société des Antiquaires de Normandie*, VIII. 425-431. Also in Béziers, *Mémoires pour Servir à l'État Historique et Géographique du Diocèse de Bayeux*, I. 142; and in the *Historiens de France*, XXIII. 699-702, which furnishes the best text. These returns are also found in Léchaudé's copies in the Public Record Office (*Cartulaire de la Basse Normandie*, I. 53), but are not mentioned in Round's *Calendar*. Upon them is based the summary of services due from the bishop of Bayeux contained in the *Red Book of the Exchequer* (ed. Hall, 645-647; *Historiens de France*, XXIII. 699).

¹ Ordericus, V. 31, 45.

² Henry of Huntingdon, 253-254; Robert de Torigni, ed. Delisle, I. 192-194.

³ *Livre Noir*, No. 190.

⁴ Robert de Torigni, ed. Delisle, I. 344. Cf. also *Historiens de France*, XIV. 503; and the *Epistolæ* of Arnoul de Lisieux (Migne, CCI.), No. 6. The various possessions recovered by Philip's efforts are enumerated in a bull of Eugene III. of February 3, 1153, *Livre Noir*, No. 156.

⁵ Bull of Innocent II., June 18, 1143 (probably), *Livre Noir*, No. 195; bull of Celestine II., January 9, 1144, *ibid.*, No. 179.

⁶ He appears in the Pope's presence three times under Eugene III., in 1145 (*Livre Noir*, No. 173), in 1146 (*ibid.*, No. 207), and in 1153 (*ibid.*, No. 200). His presence at Rome when the bulls were obtained from Lucius II. is also attested by a bull of May 15, in which he appears as a witness. Martène and Durand, *Thesaurus*, III. 887; Jaffé-Löwenfeld, *Regesta*, 8609.

⁷ *Livre Noir*, No. 154.

The second commanded the clergy and people of the diocese to render due obedience to the bishop, and after annulling all grants and sales of church property made since the time of Bishop Odo, ordered its restitution to the church of Bayeux on the tenure by which it should be proved, on the oath of lawful witnesses, to have been held in Odo's time.¹ The third bull was addressed to Geoffrey, count of Anjou, who had just succeeded in making himself master of Normandy,² and directed him to cause the possessions of the see of Bayeux to be declared by the sworn statement of lawful men of the region, in the same manner as they had been recognized in the time of his father-in-law, Henry I.³ These bulls were re-issued in March, 1145,⁴ by the successor of Lucius, Eugene III., who also rebuked the encroachments of various monasteries and individuals upon the rights of the bishop,⁵ but from this point on we need concern ourselves no longer with the acts of the popes, but turn our attention to the machinery of secular justice which they seem to have set in motion.

For a study of the recognitions held concerning the lands of the bishop of Bayeux under Duke Geoffrey the evidence consists of ten documents in the *Livre Noir* emanating from Geoffrey or his justices,⁶ and a number of references to these and to others made in documents of Henry II.⁷ The inquests to which these writs and charters relate are of course subsequent to the conquest of Normandy by Geoffrey in 1144 and anterior to his relinquishment of the duchy to his son Henry in 1150,⁸ and it is altogether likely that they fall after the bull of Eugene III. of March, 1145.⁹ The documents are issued at various places — Rouen, Le Mans, Bayeux — and wit-

¹ *Ibid.*, No. 157; Jaffé-Löwenfeld, 8612.

² Robert de Torigni, ed. Delisle, I. 233-234.

³ *Livre Noir*, No. 206.

⁴ Only the reissues of the first two have come down to us (*Livre Noir*, Nos. 155, 173), but it is implied in No. 39 that the bull to Geoffrey was likewise repeated.

⁵ *Livre Noir*, Nos. 190, 159 (the Pope's itinerary makes it clear that these are of 1145); 186, 199 (these two may be of either 1145 or 1146); 198 (clearly of 1146); 191 (of 1147—cf. the Pope's itinerary and No. 41); and 192.

⁶ Nos. 16, 17, 19, 24, 25, 39, 43, 44, 89, 90. Bigelow, *History of Procedure*, 390 ff., Nos. 43-47, 51-55. Cf. Brunner, *Schwurgerichte*, 265 ff., 302. The first letter of each of these is in blank in the cartulary, but in every case G appears on the margin.

⁷ Nos. 9, 12, 14, 32, 36. Of these only Nos. 14 and 32 are in Bigelow (Nos. 42 and 49).

⁸ This date has been attacked by Miss Norgate (*England under the Angevin Kings*, I. 369, note; *Dictionary of National Biography*, under "Henry II."), who prefers 1148; but the evidence of the chroniclers tells strongly in favor of 1150 (Howlett, *Chronicles of Stephen*, IV. 161, note 3; Robert de Torigni, ed. Delisle, I. 253, with note 4), and the method of reckoning in a charter of Henry fixes the date between January, 1150, when he arrived in Normandy, and November of that year (Round, *Calendar*, No. 820).

⁹ *Predictorum patrum nostrorum Lucii pape et Eugenii litteris commoniti. Livre Noir*, No. 39.

nessed by various of the duke's followers, but none of them are dated, and our knowledge of the itineraries of Geoffrey and his justices is not sufficient to permit of drawing close chronological limits. It is, however, probable that the process of recovering the bishop's possessions began soon after the papal bulls were received, and there is some reason for placing at least two of the documents before the summer of 1147.¹ An examination of this material shows that the documents that have reached us are only a portion of those that once existed, but they illustrate the different stages in the process of recognition and give a fair idea of the procedure employed. Apart from the general order to try by sworn inquest all disputes which might arise concerning the bishop's fiefs,² a document to which we shall return later, the duke must have provided for a general recognition of the rights and possessions of the see, similar to the one which had been held under Henry I. and to that which was afterwards ordered by Henry II.³ This was supplemented, at least in some cases, by special writs issued to individual justices and relating to particular estates.⁴ After holding the local inquest each justice made a written return to the duke,⁵ and the results were finally embodied in ducal charters.⁶

The course of procedure can be followed most clearly in the various documents relating to the rights of the bishop of Bayeux in the *banlieue* of Cambremer, a privileged portion of an enclave of his diocese lying within the limits of the diocese of Lisieux.⁷ The duke issued a writ to Renaud de St. Valeri, Robert de Neufbourg, and all his justices of Normandy, ordering them to hold a recogni-

¹ Galeran, count of Meulan, who appears as witness in No. 16 and as the justice who makes the return in No. 89, took the cross at Vézelay in 1146 and followed Louis VII. on the second crusade (Robert de Torigni, ed. Delisle, I. 241; *Chronicon Valasense*, ed. Somménil, Rouen, 1868, pp. 7-9), so that he was away from Normandy from the summer of 1147 until 1149, or thereabouts. The bulls of Eugene III. and other documents in the *Livre Noir* indicate that the active period in the recovery of the bishop's rights lies between 1145 and 1147. See Nos. 159, 189, 190, 199, 186, 207, 198, 191, 192 for the papal bulls, and for the other documents Nos. 41, 52, 100-104.

Port, in his *Dictionnaire Historique de Maine-et-Loire*, II. 255, says that Geoffrey himself went on the crusade in 1147, but I have not found any authority for the statement. Geoffrey issued a charter for Mortemer at Rouen, October 11, 1147 (or 1148, if we follow the epact), whereas the crusaders started in June. *Bulletin de la Société des Antiquaires de Normandie*, XIII. 115, No. 2; Round, *Calendar*, No. 1405.

² No. 16.

³ The order of Geoffrey for a general recognition has not been preserved, but is clearly presupposed in his charter describing the results of the inquests (No. 39) and in the similar order of Henry II. (No. 14).

⁴ Nos. 17, 24, 25. Similar writs are presupposed in Nos. 89 and 90 and in No. 36.

⁵ Nos. 43, 44, 89, 90.

⁶ Nos. 39 (cf. Nos. 9, 12, 32), 19 (cf. 18); reference to such a charter in No. 36.

⁷ On the *banlieue* (*leugata*) in Normandy see Delisle, *Étude sur la Classe Agricole en Normandie*, 40. On the enclave of Cambremer, Béziers, *Mémoires sur le Diocèse de Bayeux*, I. 28; III. 152.

tion on the oath of good men of the vicinage concerning the limits of the *banlieue*, its customs, forfeitures, and warren, and to put Bishop Philip in such possession of them as his predecessors had enjoyed under William the Conqueror and Henry I.¹ The inquest was held by the duke's justices, Robert de Neufbourg and Robert de Courci, in the church of St. Gervais at Falaise. The jurors were chosen from the old and lawful men residing within the district in question, some of whom had been officers (*servientes*) of the *banlieue* in the time of King Henry, and care was taken to summon a larger number than the justices ordinarily called, eighteen² in all, and to see that they represented the lands of different barons. On the basis of what they had heard and seen and knew the recognitors swore to the boundaries of the *banlieue* and to the bishop's tolls, fines, warren, and rights of justice. The justices then drew up returns addressed to the duke, stating the verdict found and the names of the jurors,³ and on the basis of these the duke issued a charter embodying the results of the recognition.⁴ The inquest concerning the other manors of the bishop was held in the choir of the cathedral at Bayeux by Richard de la Haye, Robert de Neufbourg, Robert de Courci, and Enjurer de Bohun, specially deputed by the duke for this purpose. The evidence of the recognitors, comprising several ancient and lawful men from each manor, was found to be in entire agreement with the written returns of the inquest held under Henry I., and a statement to this effect was embodied in a charter of the duke, which further specified as belonging to the bishop's demesne the estates of Carcagny and Vouilly, the fosse of Luchon, and "the Marsh and its herbage, including the reeds and rushes."⁵ A special charter was also issued for Carcagny and Vouilly.⁶ The bishop's forests were likewise the object of an inquest, but the writ and charter issued in this case, though cited by Henry II.,⁷ have not come down to us.

¹ *Livre Noir*, No. 17; MS. Lat. n. a. 1828, f. 154, No. 401.

² Eighteen, according to the return of Robert de Neufbourg, but only seventeen names appear in the lists.

³ Nos. 43, 44 (cf. 32). Each of these returns is in the name of both justices, but in one case the name of Robert de Neufbourg, and in the other that of Robert de Courci appears first. Brunner (p. 266) suggests the natural explanation that in each case the document was drawn up by the justice whose name appears first. The similar reports of the recognition in regard to Cheffreville (Nos. 89, 90) are made by the justices individually.

⁴ No. 39, where the facts with regard to Cambremer are set forth at length along with the returns from other domains, the two justices appearing among the witnesses. References to this recognition are also made in Nos. 9, 12, 32, and 156.

⁵ No. 39, end.

⁶ No. 19; Brunner, 268. Cf. also the notification in No. 18 of the quitclaim of the fosse of Luchon.

⁷ No. 36.

It will be observed that all the documents so far examined relate to the bishop's demesne, and that, while the preservation of a larger body of material from Geoffrey's time enables us to see more clearly the different stages in the process of recognition, there is no indication that the procedure differs in any way from the practice of Henry I.'s reign, which it professes to follow. Indeed, so long as the subject-matter of the inquest is the bishop's demesne, it is not likely that there will be much advance in the direction of the trial jury; except that the rights in question are claimed for the bishop instead of for the king or duke, such recognitions as have been described show no significant difference from a fiscal inquest, such, for example, as the Domesday survey. The application of the inquest to the feudal possessions of the bishop, on the other hand, brings us a step nearer the later assizes. There is, it is true, no distinction in principle between recognizing the bishop's demesne and recognizing his fiefs, but inasmuch as disputes between lord and tenant constitute a large proportion of the cases arising under the later assizes, the submission of any such controversy to the sworn verdict of neighbors is a movement away from the inquest that is primarily fiscal, and toward the general application of the inquest to suits concerning tenure. Whether Geoffrey also imitated the example of Henry I. in ordering a general inquest with regard to the fiefs of the bishop does not clearly appear. Henry II. indicates that such was the case,¹ and an extant writ directs one of the duke's justices to have the bishop's fief in his district recognized,² but no set of returns for the fiefs has been preserved, and the compiler of the list of the bishop's tenants in the *Red Book of the Exchequer* went back to the returns of the inquest of Henry I.³ There is, however, another writ of Geoffrey relating to the bishop's fiefs which deserves careful attention. It is addressed to all his barons, justices, bailiffs, and other faithful subjects in Normandy, and provides that "if a dispute shall arise between the bishop and any of his men concerning any tenement, it shall be recognized by the oath of lawful men of the vicinage who was seized of the land in Bishop Odo's time, whether it was the bishop or the other claimant; and the verdict thus declared shall be firmly observed unless the tenant can show, in the duke's court or the bishop's, that the tenement came to him subsequently by inheritance or lawful gift."⁴

¹ *Livre Noir*, No. 14.

² *Ibid.*, No. 24.

³ Ed. Hall, 645-647; *Historiens de France*, XXIII. 699.

⁴ *Volo et precipio quod si de aliqua tenedura orta fuerit contentio inter episcopum et aliquem de suis hominibus, per iuramentum legitimorum hominum vicinie in qua hoc fuerit sit recognitum quis saisitus inerat tempore Odonis episcopi, vel ipse episcopus vel ille cum quo erit contentio; et quod inde recognitum fuerit firmiter teneatur, nisi ille qui tenet po-*

Here we have something new, so far as existing sources of information permit us to judge. Instead of a general inquest to be held once for all by the king's officers to ascertain the tenure of the bishop's fiefs, the writ in question confers a continuing privilege — in any controversy that may arise between the bishop and any of his men the procedure by sworn inquest shall be applied. The remedy is designed for the benefit of the bishop, not of his tenants; no attempt is made to deprive the bishop of his court or extend the competence of the court of the duke; but the establishment of the principle that, not merely in this case or in that case, but in any case between the bishop and one of his tenants the oath of lawful neighbors shall decide, is a considerable advance in the extension of the duke's prerogative procedure to his subjects.¹

It is in the light of this document that we should read the two writs of Geoffrey which make mention of the duke's assize. As they were both witnessed at Le Mans by Pain de Clairvaux² and appear together in the cartulary, it is probable that they were issued about the same time. One of them, resembling the later *Præcipe quod reddat*, is directed to Enjurer de Bohun, this time not as one of the king's justices but as in wrongful possession of two fiefs of the bishop of Bayeux at Vierville and Montmartin. He is ordered to relinquish these to the bishop and to refrain from further encroachments; unless the fiefs are given up, Geoffrey's justice Richard de la Haye is directed to determine by recognition, in accordance with the duke's assize, the tenure of the fief in King Henry's time and to secure the bishop in the possession of the rights thus found to belong to him. The writ adds: "I likewise command you, Richard de la Haye, throughout your district³ to have the bishop's fief recognized and to see that he possesses it in peace as it shall be

terit ostendere quod tenedura illa in manus suas postea venerit iure hereditario aut tali donatione que iuste debeat stare, et hoc in curia episcopi vel in mea. *Livre Noir*, No. 16; Bigelow, 390, No. 43; Brunner, 265. It is also provided that no officer shall enter upon the bishop's lands, for judicial or other purposes, except in accordance with the practice of King Henry's time. The writ is witnessed at Rouen by the count of Meulan, so that it must be anterior to the summer of 1147 or subsequent to his return from the east in 1149 or thereabouts.

¹ In such cases, too, the writ could be issued in the duke's name without the necessity of his initiative in every case.

² An Angevin knight, who was one of Geoffrey's favorite companions (Marchegay, *Chroniques d'Anjou*, I. 234, 270) and frequently appears as a witness to his charters (e. g., Round, *Calendar*, No. 1394; MSS. Dom Housseau in the Bibliothèque Nationale, IV. Nos. 1505, 1567, 1587, 1614).

³ The proof that Geoffrey is the author of this writ is of importance in connection with this passage because of its bearing upon the date of the institution of *bailie* in Normandy. For the discussion on this point see Stapleton, *Magni Rotuli*, I. xxxiv; Delisle in the *Bibliothèque de l'École des Chartes*, X. 260; Brunner, 157.

recognized according to my assize."¹ The other writ is addressed by Geoffrey to his justices Gui de Sablé and Robert de Courci, and directs them to ascertain by recognition, according to his assize, who was seized of the fief and service of Guillaume Bersic in King Henry's time, and if it is recognized that the bishop of Bayeux was then seized thereof, to secure his peaceful possession. They are also commanded to determine by recognition, according to the duke's assize, who was seized of the land of Cramenil and Rocquancourt in Henry's time, and if it be recognized that Vauquelin de Courseulles was then seized of it, to secure him in peaceful possession and prohibit Robert Fitz-Erneis and his men from doing it injury, at the same time compelling them to restore anything they may have taken from the estate since the duke's proclamation of peace at Epiphany.²

If we compare these writs with the only other special writ of Geoffrey in the *Livre Noir*, that directing the recognition concerning the *banlieue* of Cambremer,³ we find the essential difference to be that whereas in the case of Cambremer it is expressly provided that the facts shall be ascertained by the oath of good men of the vicinage (*faciatis recognosci per sacramentum proborum hominum de vicinio*), in the two other writs no statement is made regarding the procedure except that the facts are to be found according to the

¹ G. dux Normannorum et comes Andegavie, E[ngelgero] de Buhun, salutem. Mando tibi et precipio quod dimittas episcopo Baiocensi in pace feudum militis quod Robertus Marinus de ipso tenebat Wirenille et feudum suum quod Willelmus de Moim de ipso apud Munmartin tenere debet, quod huc usque iniuste occupasti; quod nisi feceris, precipio quod iusticia mea R[icardus] de Haia secundum assisiam meam recognosci faciat predictum feudum episcopi quomodo antecessores sui tenuerunt tempore regis Henrici, et sicut recognitum fuerit ita episcopum in pace tenere faciat. Et te, Engengere, precor ne de aliquo iniuste fatiges episcopum, quia ego non paterer quod de iure suo aliquid iniuste perderet. Tibi etiam, Ricarde Lahaia, precipio quod per totam bailiam tuam, secundum assisiam meam, recognosci facias feudum episcopi Baiocensis, et ipsum in pace tenere sicut recognitum fuerit secundum assisiam meam. Teste Pag[ano] de Clar[is] Vall[ibus] apud Cenomanos. *Livre Noir*, No. 24; Stapleton, *Magni Rotuli*, I. xxxiv; Brunner, 80, 302; Bigelow, 392, No. 46; Round, *Calendar*, No. 1439.

² G. dux Norm[annorum] et comes Andegavie, G[uidoni] de Sableio et R[oberto] de Curc[eio], iusticiis suis, salutem. Mando vobis quod sine mora recognosci faciatis, secundum assisiam meam, de feodo Guillelmi Bersic et de servicio eiusdem quis inde saisitus erat tempore regis Henrici; et si recognitum fuerit quod episcopus Baiocensis inde saisitus esset, vivente rege Henrico, ei habere et tenere in pace faciatis. Preterea vobis mando quod recognosci faciatis, secundum assisiam meam, de terra de Cramenil et de Rochencort quis inde saisitus erat tempore regis Henrici; et si recognitum fuerit quod Gauquelinus de Corcelis inde saisitus esset eo tempore, ei in pace tenere faciatis et prohibete Roberto, filio Erneis, ne aliquid ei forifaciat neque sui homines; et si Robertus, filius Erneis, sive sui homines aliquid inde ceperint, postquam precepi in Epiphania Domini quod terra esset in pace donec iuraretur cuius deberet esse, reddere faciatis. Teste P[agano] de Clar[is] Vall[ibus], apud Cenomanos. *Livre Noir*, No. 25; Brunner, 302; Bigelow, 393, No. 47; not in Round.

³ No. 17.

duke's assize (*recognosci faciatis secundum assisiam meam*). The same difference appears in the writs of Henry II. for Bayeux; indeed, in a single document provision is made for the determination of one question by the verdict of ancient men, and of others in accordance with the assize.¹ The absence from the cartulary of any returns from the justices who were instructed to proceed in accordance with the assize precludes our comparing the procedure; the analogy of the practice in regard to the bishop's demesne and in the matter of his feudal rights at Cheffreville² leads us to look for the sworn inquest of neighbors in these cases as well. The word "assize," as Littleton long ago pointed out,³ is an ambiguous term. It seems to have meant originally a judicial or legislative assembly, from which it was extended to the results of the deliberations of such an assembly, whether in the form of statute or of judgment, and was then carried over from the royal or ducal assizes which established the procedure by recognition to that form of procedure itself.⁴ In the writs in question "my assize" may refer to an ordinance of Geoffrey regulating procedure, it may denote the procedure so established, or it may conceivably mean only the prerogative procedure of the duke — his not in the sense of origination but of exclusive possession. Brunner's contention, that the phrase can refer only to an ordinance by which a particular sovereign introduced the procedure by recognition as a regular remedy throughout Normandy, involves a number of assumptions which need proof. Even if it be admitted that the assize here mentioned was a ducal ordinance, the use of the same expression by Geoffrey and Henry II. stands in the way of ascribing the exclusive credit for the act to either of these rulers, while it is still more questionable to assume that the supposed ordinance covered the whole duchy. There is nothing in either of the writs which goes beyond the sphere of the bishop's interests,⁵ and unless new evidence can be brought for-

¹ No. 27.

² Nos. 89 and 90 (Bigelow, 398, 399, Nos. 54, 55; Brunner, 269, ascribing them to Henry II.), the returns made by the duke's justices, Galeran de Meulan and Renaud de St. Valeri, of an inquest held in regard to the respective rights of the bishops of Bayeux and Lisieux at Cheffreville. The bull of Eugene III. (No. 156) which enumerates the possessions recovered by Philippe d'Harcourt mentions the recovery of fiefs at Ducy and Louvières by judgment of Geoffrey's court, but nothing is said of the procedure.

³ *Tenures*, c. 234.

⁴ Brunner, 299. Cf. Stubbs, *Constitutional History* (6th ed.), I. 614; Murray's *Dictionary*, s. v.

⁵ It is not specifically stated in No. 25 that Cramenil and Rocquancourt were fiefs of the bishop, but we know from other sources that Cramenil was, and they were evidently connected. See the inquest of Henry I. (*Mémoires des Antiquaires de Normandie*, VIII. 427; *Historiens de France*, XXIII. 700; Béziers, *Mémoires*, I. 144); also Béziers, I. 153; and Hippeau, *Dictionnaire Topographique du Calvados*, 90.

ward for other parts of Normandy, we have no right to conclude that the supposed ordinance affected any one except the bishop of Bayeux. Now we have just such a special privilege for the bishop in the writ providing for the use of the sworn inquest in disputes between the bishop and his men concerning any tenement.¹ This covers just the sort of cases which appear in the two special writs that mention the duke's assize, and may well be the assize to which they refer.² Proof is of course lacking for a positive identification — "my assize" may signify a lost ordinance or presuppose no ordinance at all —, but the hypothesis that the general writ preserved in the cartulary is the much-discussed assize of Geoffrey seems to meet the conditions of the case better than any other that has been proposed.

For the reign of Henry II. the *Livre Noir* yields much less than for that of Geoffrey, under whom the bishop would seem to have succeeded in regaining the larger part of his lands and privileges. The use of the sworn inquest continues—indeed Henry was compelled to employ it repeatedly for the recovery of his own ducal rights, which had suffered severely during the anarchy under Stephen,³ so that we hear of inquests held in the early years of his reign to ascertain the duke's demesne and customs at Bayeux,⁴ in the Bessin,⁵ and elsewhere,⁶ and even in 1163 of a general recognition held by the justices throughout Normandy, diocese by diocese, to determine "the lawful dues and customs pertaining to the king and the barons."⁷ On behalf of the bishop of Bayeux Henry issued early in his reign a general writ, which, after reciting the proceedings under Henry I. and Geoffrey, directed the recognition of the bishop's demesne, fiefs, liberties, and customs by the oath of ancient and lawful men acquainted with facts, as they had been sworn to in the time

¹ No. 16.

² There is, it is true, a discrepancy in the periods set as the basis of the recognition; in No. 16 the lands are to be held as in Bishop Odo's time, while in Nos. 24 and 25 the tenure of Henry I.'s time is to be established. The difference is, however, of no special importance; the documents in the cartulary do not appear to make any sharp distinction between the two periods, and the writs may well have varied according to circumstances. The returns concerning the feudal rights at Cheffreville (Nos. 89, 90) go back to the tenure of Henry's time, those relating to Cambremer mention both his and Odo's, while in the latter portion of No. 16 the practice of Henry's time is to be observed in regard to the immunity of the bishop's lands.

³ Cf. Robert de Torigni, ed. Delisle, I. 284.

⁴ *Livre Noir*, Nos. 13, 138; *Mémoires de la Société des Antiquaires de Normandie*, VII. 179.

⁵ *Livre Noir*, No. 35.

⁶ *Historiens de France*, XIV. 505; Round, *Calendar*, Nos. 134, 137.

⁷ Robert de Torigni, I. 344. Cf. another inquest in 1171 (*ibid.*, II. 28) and the inquest on the duke's rights entitled "Jurea regalis" preserved in the *Très Ancien Coutumier de Normandie* (ed. Tardif, 59).

of his father and grandfather.¹ A similar writ was issued with reference to the bishop's forests,² and while no new recognition seems to have been held for the *banlieue* of Cambremer, the justices were repeatedly instructed to secure the observance of the bishop's rights there as defined in Geoffrey's time.³ The bishop's multure at Bayeux and his rights in the ducal forests of the Bessin were likewise the object of a recognition,⁴ and still other inquests related to his rights at Isigny and Neuilly⁵ and his possessions at Caen. The only matter deserving special remark among these various inquests is found in the writ touching the rights at Caen, which is addressed to the king's justice William Fitz-John, and runs as follows: "I command you to have recognized by ancient men of Caen from how many and which houses in Caen the bishops of Bayeux were wont to have rent and profits in the time of King Henry, my grandfather, and what services and customs they had from them. And you shall cause Philip, bishop of Bayeux, to possess the houses fully and justly and in peace according as the recognition shall determine. And you shall do him full right, according to my assize, in respect to the land where the bishop's barns used to stand, and full right in respect to the arable land by the water, according to my assize, and full right in respect to the tithes of woolens at Caen, according to my assize."⁶ Here we have again the puzzling words *secundum assisam meam*, and Brunner draws from them the conclusion that Henry was the creator of recogni-

¹ *Livre Noir*, No. 14; Bigelow, 389, No. 42; Brunner, 268. Issued at Falaise between 1151 and 1154.

² *Livre Noir*, No. 36. Undated, but evidently issued early in 1156, as appears from the King's itinerary (Eyton, *Court, Household, and Itinerary of King Henry II.*, 17). No. 12 evidently belongs to the same period.

³ *Livre Noir*, Nos. 9, 12, 32; Round, *Calendar*, Nos. 1442, 1445.

⁴ The writ ordering the inquest (No. 28; Round, No. 1444), witnessed by Thomas the Chancellor at Limoges, obviously belongs to October, 1156; see Eyton, 20. The writ embodying the results, No. 35, is dated at Barfleur and may well have been issued in the following April (Eyton, 24).

⁵ No. 46, subsequent to the accession of Bishop Henry in 1165.

⁶ *Henricus, rex Anglie et dux Normannie et Aquitanie et comes Andegavie, Willelmo filio Johannis, salutem. Precipio tibi quod facias recognosci, per antiquos homines Cadomi, quot et quarum domorum in Cadomo episcopi Baiocenses solebant habere censum et redditus tempore Henrici regis, avi mei, et que servicia et quales consuetudines inde tunc habebant; et sicut fuerit (MS. fuerat) recognitum, ita in pace et iuste et integre eas facias habere Philippo episcopo Baiocensi. Et plenum rectum ei facias de terra ubi grangee episcopi [esse] solebantesse, secundum assisam meam; et plenum rectum ei facias de terra arabili que est iuxta aquam, secundum assisam meam; et plenum rectum ei facias de decimis (blank in MS.) et lanificiorum de Cadomo, secundum assisam meam. Et nisi feceris, Robertus de Novo Burgo faciat. Teste Toma cancellario apud Lemo-vicas. Livre Noir, No. 27; De la Rue, *Essais Historiques sur la Ville de Caen*, I. 375; Bigelow, 393, No. 48; Brunner, 302; Round, No. 1443 (incomplete). This document evidently belongs to October, 1156, for the same reasons as No. 28 (Eyton, 20).*

tions in Normandy.¹ The phrase is not found in the writ which seems to have been issued at the same time for the recognition of the bishop's multure and his rights in the forests of the Bessin, where, however, there is the difference that the rights in question touched the King's own privileges and were recognized by the jurors specially appointed to swear to Henry's customs and demesne in the Bessin.² No other document of Henry referring to his assize has been found, and there is nothing in this one to show that the assize included anything outside of the bishop's possessions or involved any method of procedure different from "the oath of old and lawful men who know the facts," as prescribed in the general order for the recognition of the bishop's rights, issued by Henry before he became king.³ This general writ may not be the assize in question, but it certainly covers the ground of the special writ for Caen. In any case, there is no necessity for inferring that anything more general was meant by Henry's use of the term assize. Whether Henry also issued a general writ similar to that of Geoffrey providing for the regular use of the sworn inquest in suits between the bishop and his tenants, it is impossible to say. No such document has been preserved, nor do any of the documents of Henry's time in the *Livre Noir* relate to cases where the fiefs of the bishop are concerned.

For the history of the recognition in other parts of Normandy no such body of material as exists for Bayeux has come to light, although something more might reward a thorough search. That its employment in cases concerning tenure was not limited to fiefs of the bishop of Bayeux is, however, clearly seen from a charter of Geoffrey in favor of Algar, bishop of Coutances, which confirms the verdict of six jurors rendered in accordance with the duke's writ at his assize at Valognes, to the effect that Robert Fitz-Nigel and his predecessors had held of the bishop and his predecessors whatever rights they had enjoyed in the churches of Cherbourg and Tourlaville and their appurtenances.⁴ Another indication of the

¹ *Schwurgerichte*, 303.

² Writ in *Livre Noir*, No. 28; returns, *ibid.*, No. 35: per sacramenta iuratorum qui sunt constituti ad iurandas consuetudines meas et dominica mea de Baiocensi.

³ *Livre Noir*, No. 14.

⁴ Dux Normannie et comes Andegavie H. archiepiscopo et omnibus episcopis Normannie, baronibus, justiciis, et omnibus suis fidelibus, salutem. Notum sit vobis atque omnibus tam presentibus quam futuris quod in tempore meo et Algari Const[ancien]s[is] episcopi fuit iuramento comprobatum per meum preceptum in assisia mea apud Valonias quod Robertus (MS. vob') filius Nigelli et omnes predecessores sui ab Algaro Constancien]s[is] et ab aliis predecessoribus suis Constan]cien]s[ibus] episcopis tenuerant quicquid in ecclesiis de Cesariburgo et de Torlavilla et in omnibus possessionibus ad illas ecclesias pertinentibus habuerant. Hoc vero iuraverunt Ricardus de Wauvilla, Willelmus monachus, Willelmus de Sancto Germano, Willelmus de Bricquevilla, Ricardus de Martinvast, Robertus] de Valonis. Quare ego concedo quod hoc secundum illorum iuramentum ratum

prevalence of this method of proof appears, along with clear evidence of the continued use of trial by battle, in Geoffrey's charter for the town of Rouen, where in providing that no citizen shall be held to wage combat against a hired champion it is prescribed that the fact of the champion's professionalism shall be determined on the oath of ten citizens of Rouen selected by the justice.¹ Whether the fiscal inquest was commonly used to secure the rights of religious establishments upon which the Norman dukes had conferred the privileges enjoyed by their own demesne,² does not appear from the evidence that has reached us. With regard to the abbey of Savigni, trial by lawful men of the *villa* is prescribed by a writ of the Empress Matilda in the case of offenses committed against the monastery by the foresters or their servants.³ Further examples sit et perpetuo teneatur. Testes vero huius concessionis sunt: R [icardus] cancellarius, Willelmus de Vernon, Engelg[erus] de Bouhon, Alexander de Bouhon, Jordanus Tays-son, Robertus de Novo [Burgo], Robertus de Corceio, Joisfredus de Tur[onibus], G[au-]fredus de Cleer, P[ipinus] de Tur[onibus]. Apud Sanctum Laudum. "Cartulaire B" of the cathedral of Coutances, P. 350, No. 286. Here, as in most of the other documents in this cartulary, the initial is left blank and not indicated. In this case, however, it is supplied by a *vidimus* of Philip Augustus in the same cartulary (P. 351, No. 288) printed in Delisle, *Cartulaire Normand*, No. 162, which refers to this charter as "autenticum G. ducis Normannie, cuius mandato fuit recognitum in assisia apud Valonias." On the cartularies of Coutances cf. Delisle, *Catalogue des Actes de Philippe-Auguste*, 538. "B," the only surviving cartulary, is still in the episcopal archives at Coutances, where I was permitted to examine it through the kindness of the bishop's secretary, M. Fleury. The manuscript is almost dropping to pieces; a volume of extracts made by Le Cardonnel in 1863 and preserved in the same archives is of assistance in some places.

By following Léchaudé and overlooking the *vidimus* Mr. Round (*Calendar*, No. 960) was led to ascribe this charter to Henry II. So Bigelow, *History of Procedure*, 367, No. 9. The treatment of this document affords a good illustration of Léchaudé's carelessness. Not only does he omit the last four witnesses, but he quietly inserts Henry's name in his copies— "Henricus &" in the *Cartulaire de la Basse Normandie*, I. 129; "Henricus R." in MS. Lat. 10068, f. 88, No. 57. Mr. Round was obliged on account of the witnesses to give up the attribution to Henry as king, but ascribed it to him as duke. Brunner, p. 269, prints the essential portion of the charter and recognizes Geoffrey as its author. The lost cartulary "A", of which a partial analysis is preserved in the episcopal archives, contained a copy of the *vidimus* which interpreted G. as the initial of a duke William; the text as printed in Dupont, *Histoire du Cotentin*, I. 466, is apparently derived from this cartulary.

Algar was bishop from 1132 to 1151 (cf. Delisle, *Robert de Torigni*, I. 257, note); the charter obviously falls between Geoffrey's conquest of western Normandy in 1143 and his resignation of the dukedom in 1150. Brunner, apparently following Delisle, conjectures the date to be 1145.

¹ Charter of Geoffrey as confirmed by Henry II. soon after he obtained the duchy, Chérueil, *Histoire de Rouen*, I. 242; Round, *Calendar*, No. 109. Giry (*Établissements de Rouen*, I. 25-26) thinks Geoffrey's charter dates from his taking of the town in 1144.

² On the charters conferring these privileges, "*Mundbriefe*," see Brunner, 92-97, 238 ff.

³ M. imperatricis (*sic*), regis H. filia, F. de Tenchebrai salutem. Mando tibi et precor atque precipio quod permittas senioribus de Savigneio habere et tenere suam fabricam et alia omnia que ad eos pertinent de elemosina predecessoris mei regis H. ita libere

of the recognition also appear in 1157 on the lands of the monks of Mont-Saint-Michel, where the question at issue concerned the liability of the men of the monastery and those of the monks and nuns of Caen to carry the king's hay,¹ and a few years later in the extensive inquest held with regard to the demesne and fiefs of the abbey of St. Étienne de Caen.²

Greater importance attaches to two others among these scattered documents, which have a direct bearing upon provisions of the constitutions of Clarendon, and indicate that the early years of the reign of Henry II. in Normandy deserve more careful study than they have yet received in connection with his English assizes. It will be recalled that in the first of the constitutions drawn up at Clarendon the principle is laid down that if a dispute arise concerning the advowson and presentation of churches, whether between laymen, between laymen and ecclesiastics, or between ecclesiastics, it shall be tried and determined in the king's court.³ Now it appears that as early as 1159—the same year that Henry was insisting on such use of the accusing jury in ecclesiastical courts in Normandy as was afterward asserted for England in the sixth section of the constitutions of Clarendon⁴—the king's court in Normandy had successfully maintained its jurisdiction over presenta-

et quiete sicut ea habuerunt et tenuerunt tempore ipsius regis. Si autem forestarii vel aliquis alius famulorum eos (MS. eorum) in quoquam forte molestaverint et inquietaverint, fac inde tractari causam iuste per homines legales ipsius ville, ita ne amplius inde clamorem audiam pro recti penuria. Si vero alius aliquis iniuriam eis in aliquo fecerit, manuteneas eos ubique et protegas sicut nostrum dominicum quod habemus protegere ut nostram elemosinam. Teste Roberto de Curc[eio]. Apud Falesiam. *Cartulaire de Savigni* in the Archives de la Manche at Saint-Lô, No. 280; copy sent me by the kindness of the archivist, M. Dolbet. In part in Brunner, 241; not in Round.

¹ The record is preserved (No. 34) in a valuable series of entries relating to the possessions of Mont-Saint-Michel, between the years 1155 and 1159, made in the cartulary of the abbey (Bibliothèque d'Avranches, MS. 210, fol. 112v. ff.) and printed by Delisle in his edition of Robert de Torigni, II. 237–260 (Howlett, *Chronicles of Stephen*, IV. 331–345). The recognition is held "pro prece monachorum." No. 9 of these notices records a duel over a mill waged in 1155 between the abbot and the bishop of Coutances before the king's chief justices in assize at Carentan. For a duel waged about the same time between the monks of St. Evroul and one of their tenants see Round, *Calendar*, No. 639.

² Two, but evidently not all, of the documents are in the *Mémoires des Antiquaires de Normandie*, XV. 197–198; Round, No. 454. The mention of Achard, bishop of Avranches, shows that they are not earlier than 1161, while the names of Rotrou, bishop of Evreux, and Philip, bishop of Bayeux, fix 1164 as the latest limit of date. Cf. also what looks like a recognition in favor of Evreux cathedral in Round, No. 299.

The use of local "jureæ" in Henry II.'s time is also seen in the detailed returns of an inquest on the manors of La Trinité de Caen preserved in MS. Lat. 5650 of the Bibliothèque Nationale, f. 41 ff. (Round, No. 430).

³ Stubbs, *Select Charters*, 138.

⁴ Robert de Torigni, ed. Delisle, II. 180; Howlett, *Chronicles of Stephen*, IV. 327. Cf. Stubbs, *Constitutional History* (6th ed.), I. 497; Pollock and Maitland (2d ed.), I. 151.

tions in a suit between laymen, the matter being determined by the oath of lawful men. The record of the case, which comes from the archives of Mont-Saint-Michel, relates how when the priest of Mesnil-Drey and his nephew, desiring to enter the monastery, sought to convey to the abbot the parish church which they held in alms, the bishop of Coutances answered that Raoul de la Mouche, temporal lord of the village, claimed the rights of presentation. A date was set for the appearance of the lord before the bishop in support of his claim, but in the meantime a certain Osmond, who held one-third of the village, including the land on which the church stood, brought suit against Raoul in the king's court at Gavray for two sheaves of tithes which had been collected from the remaining two-thirds of the village, and "proved by the oath of lawful men his right of presenting the priest and having the two sheaves as his ancestors had always had them."¹ More significant in relation to the history of the jury is the ninth of the constitutions of Clarendon, which provides that in a dispute between an ecclesiastic and a layman whether a piece of land be lay fee or alms the question shall be decided by the oath of twelve lawful men in the presence of the king's justice. This class of disputes would seem, so far as our present knowledge goes, to have been "the first to be submitted to a jury as a matter of common practice"² in England, and the method here employed, the assize *utrum*, appears thus as the oldest of the English assizes. Now whether this method of procedure was one of Henry's innovations or was really, as he claimed, one of the ancient customs of the English realm,³ it was probably in use in Normandy at least two years before the constitutions of Clarendon were drawn up. Proof of this is contained in a charter of Henry II. for the monastery of St Evroul confirming a decision of the king's court which is hardly later than 1162 and may well be earlier.⁴ This document recites that

¹ Osmond afterward surrendered his right to the bishop. No. 49 of the entries cited above; Robert de Torigni, ed. Delisle, II. 259; ed. Howlett, IV. 344. This case is overlooked by Böhmer, *Kirche und Staat in England und in der Normandie*, 320, note 4, who concludes from No. 41 of this collection that questions of patronage were decided in the ecclesiastical courts.

² Pollock and Maitland (2d ed.), I. 144.

³ For an account of a case in Stephen's time see *Gesta Abbatum Sancti Albani*, I. 114; and cf. Pollock and Maitland (2d ed.), I. 145, 246.

⁴ The King's charter cannot be earlier than the election of Abbot Robert in 1159 or later than Henry's departure for England at the beginning of 1163, Rotrou, bishop of Evreux, having been transferred to Rouen before the King's return. As the recognition was held on St. Cecilia's day (November 16), it cannot be later than 1162, and an earlier year is altogether likely from the fact that the repeated offenses alleged by the monks against Robert and his wife subsequent to the decision could hardly have occurred in the brief interval between November 16 and the King's arrival at Barfleur in December, 1162 (Eyton, *Itinerary*, 58). See further note below, p. 640.

the church of St. Pierre at Le Sap and its appurtenances having been claimed by Robert Fitz-Roy,¹ the King's uncle, and his wife Matilda as part of their lay fee, this church, together with the chapel of St. Martin and the tithes, men, lands, appurtenances, and other possessions of the church, had been adjudged to the abbot and monks of St. Evroul as alms of the monastery by twelve lawful knights and other men of the vicinage of Le Sap, at Rouen on St. Cecilia's day, in the presence of Rotrou, bishop of Evreux, then the king's justice for all Normandy.² It is impossible to say whether the procedure here employed was common or regular at this time in Normandy,³ but it is directly in line with that prescribed in 1164, and even the wording of the document is in close accord with the writ *utrum* as preserved by Glanvill.⁴ It is not, of course, legitimate

¹ Son of Henry I., but not to be confused with Robert, earl of Gloucester, who died in 1147. See Eyton, *Itinerary*, 18; Round, *Geoffrey de Mandeville*, 94, 434; and *Calendar*, 274, note; *Red Book of the Exchequer*, passim.

² Henricus, Dei gracia rex Anglorum, dux Normannorum et Aquitanie, et comes Andegavie, archiepiscopis, episcopis, abbatibus, comitibus, vicecomitibus, baronibus, iusticiariis, baillivis, ministris, et omnibus fidelibus suis, salutem et pacem. Noverit universitas vestra quod cum ecclesia Sancti Petri de Sappo cum (omitted in MS.) capella sancti Martini, decimis et hominibus et terris et alijs pertinenciis suis, et plenis atque integris decimis molendini eiusdem ville quod est apud Novillam et prepositure et omnium reddituum et emendationum atque augmentationum que sunt modo vel esse poterint futuris temporibus in villa de Sappo et pertinenciis suis quantum durat parrochia Sancti Petri, recognita fuissent Roberto abbati et monachis Sancti Ebrulfi, et decima furni eiusdem ville, si tum dicti abbas et monachi cassare nec vellent in elemosynam sui monasterii per duodecim legales milites et alios homines de visneto Sappi versus Robertum filium regis, avunculum meum, et Matildem uxorem suam, qui supradicta omnia ad suum laicum feodum pertinere clamabant, die festo Sancte Cecilie apud Rothomagum coram Rotrodo Ebroicensi episcopo tunc temporis justiciam meam per totam Normanniam exercente; et super hiis omnibus memorati abbas et monachi a iamdictis Roberto et Matilde postea multociens iniuste vexati fuissent et turbati; me tandem, per Dei gratiam et auxilium opemque multorum prudentum et religiosorum virorum, inter eos fecisse concordiam in hunc modum: Quod supradicta omnia que in hac presenti carta mea continentur de cetero in perpetuum in puram liberam et quietam elemosynam remanebunt abbacie Sancti Ebrulfi. Et quia tunc temporis proprium sigillum non habebant, ad eorum petitionem et instanciam presenti carta mea et sigilli mei munimine concordiam istam confirmavi abbati et monachis Sancti Ebrulfi contra omnem calumpniam et reclamationem predictorum Roberti et Matildis uxoris sue valituram. Et pro hac concessione et concordia firmiter observanda et tenenda habuerunt sepedicti Robertus et Matildis in presencia mea duos palefridos valentes viginti libras Andegavensium de bonis abbacie Sancti Ebrulfi. Quare volo et firmiter precipio ut hec concordia et pax ita firmiter et sine dolo ab utraque parte in perpetuum illesa conservetur et integra. Teste me ipso, Rotrodo Ebroicensi et Arnulfo Lexoviensi episcopis apud Rothomagum. *Cartulaire de S. Evroul*, Bibliothèque Nationale, MS. Lat. 11055, f. 27v., copied for me by the kindness of M. Armand du Retail; Round, No. 641. The text in the cartulary is evidently somewhat corrupt.

³ It will be observed that the jury in this case appears not only to decide the preliminary question of lay fee or alms, but to adjudge to the monastery the rights in dispute. On the later Norman *Breve de feudo et elemosina* see the *Grand Coutumier*, c. 115 (ed. Tardif, II. 295); Brunner, *Schwurgerichte*, 324 ff.

⁴ Glanvill, xiii. 24.

to conclude that this and related provisions of the constitutions of Clarendon were necessarily direct and recent importations from Normandy, but it is certainly significant that in the case of each of the three sections of the constitutions with which the sworn inquest stands in close connection—those touching advowsons, the presentment of criminals, and the question of tenure in alms—clearer and more definite evidence has been found in Normandy than has yet appeared in England.

So far as the present study has gone, it has not furnished an answer to the question whether priority in the matter of the regular employment of the jury belongs to Normandy or to England. As Bigelow has pointed out,¹ the problem relates, not to the principle of the recognition, where the priority of Normandy is no longer disputed, but to the particular form which that principle took on the two sides of the Channel. Bigelow, however, formulates the issue too narrowly when he confines it to the question whether "the particular fixed recognitions of Glanvill were first put into form and use in Normandy." The regular application of the sworn inquest to any particular class of cases constitutes the real turning-point, whether this came about by gradual development or by a specific act of the sovereign power. So far as any such particular act establishing the recognition is concerned, the results of our investigations in Normandy have been negative: evidence has not been found sufficient to prove the promulgation of any general assize; everything is specific or local. From the general inquest at Bayeux under Henry I. to the time of the constitutions of Clarendon there is no sign of a break in the development; the twelve men who determined the rights of the monks of St. Evroul under Henry II. do not appear in a different capacity from the twelve who swore to the verdict concerning the fiefs and services of the bishop of Bayeux in 1133. At the same time, our examination of the documents accessible at Bayeux and elsewhere goes to show that under Geoffrey as well as in the early years of Henry II. the recognition was in more common use than has generally been supposed. It has a variety of applications—to the rights of the sovereign, the excesses of his foresters, the competence of champions, the demesne and fiefs of the churches, the possessions of monasteries, the question of lay fee or alms. It is employed frequently and is a well-defined and well-understood form of procedure, so that the duke's justices can speak of calling "more jurors than was their habit."² It is even prescribed for all questions of tenure between a bishop and his men. If it is

¹ *History of Procedure*, 186.

² *Liure Noir*, No. 43.

not yet a right that can be claimed by all, it is at least a regular method of trial as early as Geoffrey's time; and it may well be that its extension came about gradually through steadily increasing use rather than by any positive enactment. Such a view of the development of the jury, should it prove correct, would compel some modification in the current opinion as to the extent of the innovations of Henry II. in this direction, just as recent studies have tended to diminish his reputation for originality in other fields. However, definite conclusions on this point, as well as on the priority of England or of Normandy in the regular introduction of the recognition, can only be reached, if at all, by a searching examination of the documentary evidence in the rest of Normandy and in England; the present discussion is primarily concerned with the material from Bayeux and with the questions to which that gives rise.

That the procedure by recognition in cases concerning tenure was deeply rooted in the legal practice of Normandy for some time before 1164 is also apparent from the use made of it in other courts than those of the duke. Here again the evidence is found in certain documents from Bayeux. In one of these Bishop Philip appears as intervening in a controversy over the limits of certain lands held in alms, in order to secure the consent of the parties to its submission to the verdict of the country-side. "There was a dispute between the canons of Bayeux and Luke, son of Hervé, priest of Douvres, as to what pertained to the alms of the church of Douvres and what to the fief of Luke." After much discussion it was agreed to submit the question to ten men, chosen with the consent of the parties from the assembled parishioners, "in whose oath the truth of the matter should rest." Standing before the parish church, this jury declared upon oath the lands which belonged to the alms of the church; and when Luke afterward sought to occupy some of the property of the canons, the jurors were called together at Bayeux and again recognized the alms of the church, which the bishop enumerates in his charter.¹ The proceedings in this case, though not held in accordance with a ducal writ, show all the essential elements of the recognition—the promissory oath, the free decision, the verdict rendered by chosen men of the vici-

¹ *Erat igitur contentio inter canonicos Baiocenses et Lucam, filium Hervei sacerdotis de Dovra, quid ad elemosinam ecclesie de Dovra et quid ad feodum ipsius Luce pertineret. Que controversia, cum diu multumque ventilata agitaretur, hunc demum in presentia nostra et parrochianorum de Dovra ante ipsius ville ecclesiam per nos finem sortita est. . . . Vocatis igitur ipsius ville parrochianis utriusque partis assensu electi sunt decem solum (whose names follow) . . . in quorum iuramento rei veritas consisteret. Facto igitur prius iuramento has terras de elemosina ecclesie esse dixerunt . . . Livre Noir, No. 63. The charter is undated, and more definite dates cannot be assigned than the limits of Philip's episcopate, 1142-1163.*

nage; and if we remember that the jury, in the narrower sense, as distinguished from the assize, "has its roots in the fertile ground of consent" and "only comes in after both parties have consented to accept its verdict,"¹ the importance of this early example of such a voluntary agreement is at once evident. In the other cases the account of the procedure is not so specific, but points to the use of the recognition, or something very like it, in connection with the bishop's jurisdiction. In one of these instances a verdict is mentioned incidentally in documents of the year 1153 relating to a prebend created by the bishop out of various elements, among them the land in Le Val de Port, in the territory of Escures, held by Alexander, son of Téold, which Bishop Philip caused to be recognized in his presence by the oaths of lawful men of the said Val as belonging to the demesne of the bishop of Bayeux.² Another record is earlier, from the time of Bishop Richard of Kent, in the form of a notice witnessed by the bishop and several others, knights as well as clerks, to the effect that four men of Hérils, who are named, have recognized in the presence of the bishop and chapter of Bayeux that the land which Gosselin, succentor of the cathedral, holds at Hérils and the church of the village were given to Gosse- lin in alms and have always been held by him under such tenure.³ It might be maintained that these four men of Hérils were party witnesses rather than recognitors, but the language of the document renders it far more likely that they were giving an independent verdict on behalf of the community. It is also possible that in these cases the men were questioned individually, as in the canonical procedure⁴ and the later French *enquêtes*, but there is no indication of such an examination, and the use of the words *recognoscere* and *recognitio* points rather to a collective verdict.⁵ In a still earlier case, likewise decided before the bishop and chapter, the un-

¹ Pollock and Maitland (2d ed.), I. 149.

² Terra quam tenuit Alexander, filius Theoldi, in Valle Portus in territorio de Escures, quam videlicet Philippus, noster episcopus, fecit recognosci esse de dominico Baiocensis episcopi per sacramenta legalium hominum predictae Vallis. Charter of the chapter of Bayeux, May 8, 1153, *Livre Noir*, No. 149. No. 148 is a charter of the bishop to the same effect.

³ Notum sit omnibus tam presentibus quam futuris quod homines de Heriz, et nominatim isti . . . recognoverunt coram Ricardo, Roberti comitis Glocestrie filio, Baiocensi episcopo, et coram eiusdem ecclesie capitulo terram quam Goscelinus, Baiocensis ecclesie succentor, tenet apud Heriz cum ecclesia eiusdem ville eidem Goscelino in elemosina datam fuisse et eundem sic semper tenuisse. Huius autem recognitionis testes sunt isti : . . . *Livre Noir*, No. 102. Richard was bishop from 1135 to 1142.

⁴ For an example of this from the year 1164 see *Livre Noir*, No. 49.

⁵ Of course *recognoscere* has other meanings, being applied to the certification of a charter, the confession of a criminal, or the admission of another's rights on the part of a claimant, but none of these senses seems to fit the passage in question, where the idea of a formal declaration of fact by a body of men seems clearly implied.

certainty is greater, as nothing is said of the residence of the ancient men who are mentioned or of the capacity in which they appear. Still the matters in controversy, the rights and revenues of the chancellor of the cathedral, are "recognized by the attestation of ancient men" as belonging to the chancellor through the act of Bishop Odo and the continuous possession of former incumbents—just such a question as would naturally be submitted to a sworn verdict.¹ If such was the procedure employed in this case, it has a special interest as belonging to the pontificate of Richard Fitz-Samson and thus falling within the reign of Henry I. How such tribunals came to decide cases of this sort and to employ this form of procedure are questions that cannot be answered until some one has given us a careful study of the Norman ecclesiastical jurisdictions. Indeed, the whole subject of the workings of the ecclesiastical courts in Normandy and elsewhere in the eleventh and twelfth centuries is an important field of investigation and ought to prove fruitful for the history of the transmission of the Frankish *inquisitio* to later times.

Some measure of the progress made in Normandy by the middle of the twelfth century in the development of the recognition, in respect to definiteness of form as well as frequency of employment, may be got by examining the use made of the sworn inquest in the neighboring county of Anjou under Geoffrey Plantagenet and his father Fulc.² Although the older methods of trial find abundant illustration in Angevin charters, one is at once struck with the rare appearance of anything resembling the Norman inquests. The

¹ Ceterum, dilecte nobis frater Anulphe, cancellarie ecclesie nostre, cum de hiis que ad ius personatus tui pertinent in capitulo coram Ricardo episcopo et fratribus ageretur, antiquorum virorum et eiusdem episcopi attestazione recognitum est ea que hic subnotata sunt ex institutione Odonis episcopi et tuorum antecessorum continua possessione ad ius personatus tui iure perpetuo pertinere. . . . Hec autem omnia in capitulo nostro coram Ricardo episcopo, Sansonis filio, et nobis recognita sunt et postmodum coram successore eius altero Ricardo publica attestazione firmata. Chevalier, *Ordinaire de l'Église Cathédrale de Bayeux* (Paris, 1902), 419, No. 51. The document is in the shape of a letter from the dean and chapter to the chancellor, and is thus less formal than a charter. The mention of the attestation of the bishop along with that of the ancient men might appear to contradict the view that a sworn inquest was held, but the last sentence makes it plain that the attestation spoken of is that of the subsequent bishop, Richard of Kent, while the facts had been recognized under Richard Fitz-Samson.

² On the courts of Anjou see particularly Beautemps-Beaupré, *Recherches sur les Juridictions de l'Anjou et du Maine pendant la Période Féodale*, Paris, 1890 ff., forming the second part of his *Coutumes et Institutions de l'Anjou et du Maine*. This elaborate work deals mainly with the later period. The account of Angevin law during the feudal period which the author planned was left unfinished at his death; cf. D'Espinay, *Le Droit de l'Anjou avant les Coutumes d'après les Notes de M. Beautemps-Beaupré* (Angers, 1901). For the judicial institutions of the eleventh century there is a useful study by Halphen in the *Revue Historique* (1901), LXXVII. 279-307. None of these writers discusses the sworn inquest.

less complete development of the administrative system in Anjou, and the fact that in this period the count generally presided in person in his court may serve to explain the absence of such writs as are found in Normandy; but any mention of inquests is rare, and in such accounts as we have they are hard to distinguish from other forms of procedure, to which they sometimes seem only accessory. The cases, too, in which anything like the sworn inquest is applied are fiscal, concerning the count's forests, his rights of justice, or his feudal dues. Thus in a controversy between his foresters and the monks of St. Aubin Geoffrey calls together his foresters and *segrayers* of the district and adjures "those who had been brought up from infancy in the aforesaid forest and knew the facts well" to declare faithfully and impartially the ancient custom of the forest, neither relinquishing the count's right to the monks nor assigning the monks' right to him.¹ In another case where the matter in dispute concerned the count's right of *fodrium* on a piece of land belonging to the abbey of St. Serge, Geoffrey referred the matter to his seneschal, who ordered the local seneschal to take vavasors of the town with him upon the land and render a just judgment; but the question was finally determined by the oath of a witness produced by the monks.² Sometimes we find the count selecting men to render a verdict on the matter at issue in a way that suggests a jury of arbitration, as in a case from Fulc's reign touching the count's rights of justice on certain lands. The owner of the land finds seventy-three good men of Angers that know the truth of the matter and gives the count their names; when they have all appeared in court, Fulc selects twelve, who are ordered to swear that they will not conceal the truth for love or hatred.³ In other cases, however, it does not appear that the arbiters were necessarily neighbors or had any special knowledge of the facts, so that they would seem to have acted as representing the court rather than the country-side.⁴ On the whole, while these scanty instances from Anjou show that the verdict of neighbors was occasionally sought

¹ May 29, 1129. Bertrand de Broussillon, *Cartulaire de l'Abbaye de Saint-Aubin d'Angers*, II. 408, No. 982; *Bibliothèque de l'École des Chartes*, XXXVI. 426, No. 28. Cf. Beaumonts-Beaupré, I. 131, note, 143, note. For a similar case at Vendôme see Du Cange, *Glossarium*, under 3. *Secretarius* (ed. Favre, VII. 387).

² Bibliothèque Nationale, MS. Lat. 5446, f. 295, No. 403 (Gaignières's copies from the cartulary of St. Serge). Cf. Beaumonts-Beaupré, I. 203, note, where the date is fixed between March 31, 1150, and September 7, 1151. For a somewhat later case of declaration of custom, involving the right to levy *procuratio*, see Chevalier, *Cartulaire de l'Abbaye de Noyers* (Tours, 1872), 651, No. 615.

³ Beaumonts-Beaupré, I. 117, note G.

⁴ For instances of this sort see Marchegay, *Archives d'Anjou*, I. 409, No. 66; III. 66, No. 87 (cf. Beaumonts-Beaupré, I. 88, 117, 141); Beaumonts-Beaupré, I. 116, note B, 136, note B.

in fiscal matters and that a sort of jury of arbitration might sometimes be called by the count, there is nothing to indicate that such modes of procedure were common, clearly defined, or well understood. Compared with such rudimentary institutions as these, it is evident that the Norman recognitions of the same period represent an advanced stage in the evolution of the jury.¹

CHARLES H. HASKINS.

¹ Further investigation indicates that too positive a statement has been made in regard to the latest limit of date for the charter which mentions an assize *utrum* in favor of St. Evroul, printed above on p. 634. The question turns largely upon the exact date of the translation of Rotrou from the see of Evreux to that of Rouen, variously given as 1164 and 1165 (*Gallia Christiana*, XI. 48, 577). It is clear that Hugh, archbishop of Rouen, died November 10 or 11, 1164 (Delisle, *Robert de Torigni*, I. 354, note 3), and that his successor was in office early in the following summer (*Materials for the History of Thomas Becket*, V. 194), but the chroniclers do not indicate clearly the date of Rotrou's election. It is accordingly possible that the charter was issued when Henry II. was at Rouen in or about April, 1165 (*ibid.*; Eyton, 78), and that the assize belongs to the previous November; but it is altogether likely that Rotrou was at least archbishop-elect by April and that a longer interval elapsed between the assize and the charter, so that the date assigned on p. 633 still appears probable. On the suspicious phrase "Teste me ipso" in this and other charters for St. Evroul cf. Round, *Calendar*, 224, note.

SOME FRENCH COMMUNES, IN THE LIGHT OF THEIR CHARTERS

THE communal charters have long been a source of trouble to students of the towns of medieval France. They have been regarded in different ways by successive generations, but the general decision has been that they cannot be fully understood: that however plain many details and some larger points may be, on the whole they are deformed, disordered enumerations, where the most diverse subjects are begun but not completed, and where obscurities, omissions, and sometimes contradictions abound. Since even such careful and experienced scholars as Monsieur Giry and Monsieur Luchaire have taken this view,¹ it may seem unreasonable to attempt to bring any new light to the subject, at least without new material. Nevertheless, by the aid of what others have done and with some change of method, I have ventured to try again to read these documents as they seemed to the men who gave and received them. And if I have succeeded better than those before me, it would appear not only that we shall have to modify present opinion in regard to the form and content of at least many of the charters, but also that by looking at the communes through glasses thus readjusted we may get a little clearer view of such associations, especially as to their early aims and business. The charters, far from being unordered collections of numerous unexplained matters, are, oftentimes at all events, logically arranged and intelligible solutions of a few problems in local conditions; and the communes, in many instances at least, had as their main function to aid in the maintenance of law and order—yet acted, be it added, not exactly as a public institution, as a modern town government, but rather as a private corporation, devoted less to the town as such than to the personal interests of its members. The foundation for these conclusions may be seen in a rather full analysis of the charter to the commune of Beauvais and in shorter analyses chiefly of the concessions to men of Soissons, Laon, Amiens, and Noyon.²

The common folk living at Beauvais in the eleventh and twelfth centuries doubtless had much to complain of at the hands of the

¹ See Luchaire, *Les Communes Françaises*, 135; also Giry and Réville, in Lavissee and Rambaud, *Histoire Générale*, II. 442.

² At another time I purpose to deal with some of the communes not treated in this study.

nobles and lords of the town. Upon some matters, it would appear, they were in so serious plight that radical steps to secure redress seemed necessary. It must have been in connection with such steps that the commune they had among them sought and obtained its charter,¹ a document evidently designed to be a written record of arrangements to secure better conditions. It took the form of a series of short statements on numerous specific points; and when these statements are read one after the other as so many settlements of questions at issue, they seem often enough to have little or no coherence. Back of them, however, in the minds of the persons who were giving and receiving them, it appears there were a few general and controlling purposes, a few inclusive questions about which the shorter settlements grouped themselves in a natural and logical manner; so that the charter, when read with this in view, becomes quite coherent and orderly.

Apparently the foremost of such questions among the men of Beauvais was how to have protection against violations of the law, how to secure better conditions with reference to crimes; for the greater part of the charter—Articles one to fourteen²—is concerned with this subject. And in the field of crimes, apparently the chief desire was to be free from acts of violence; for the first provisions³ of the charter are evidently devoted to measures against such troubles. Doubtless the burghers had often been maltreated and had gotten no justice for it; but henceforth, “All *homines*, in the town and in the suburb, on whosoever land they live, will swear the commune,” unless excused,⁴ and they will all aid each

¹ I have used the texts in Labande, *Histoire de Beauvais* (Paris, 1892), *Pièces Justificatives*, VIII. and IX.

² In all there are seventeen articles in the confirmation by Louis VII. and twenty-one in that by Philip Augustus.

³ Articles 1-6.

⁴ Articles 1 and 2: *Universi homines, infra murum civitatis et in suburbio commorantes, in cujuscunque terra maneat, communiam jurabunt; nisi forte ex consilio parium et eorum qui consilium juraverint, aliqui remanserint.*

Alter etiam alteri, infra firmitates ipsius ville, recte secundum suam opinionem, auxiliabitur.

It is customary to interpret these statements as more or less separate from each other, — one prescribing who should be members of the commune, the other that there should be solidarity among them, — and certainly as having no more special relation to the next articles than to others at the middle or end of the charter. I take it, however, that although what each of them says may be taken as in and of itself true, as a matter of fact they were both written here with special reference to the provisions immediately following in regard to redress against injuries: *Et quicumque forifecerit homini qui hanc communiam juraverit, etc.* One support for this interpretation is the connection in which the statement about aiding each other appears in the charter to the commune of Soissons: *Infra firmitates civitatis Suessionensis, alter alteri recte secundum suam opinionem auxiliabitur et nullatenus patietur quod aliquis alicui eorum aliquid auferat, vel ei talliatam faciat, etc.* (Charter of Soissons, Art. 1. In Labande, p. 272.) In this instance the two points are brought together in the same sentence.

other according to their best judgment, within the town walls. And if any of them suffer harm and can not secure justice by the regular channels, the officers of the commune will take justice upon the body and goods of the offender, unless he should give compensation for his misdeeds.¹ If the offender find a place of refuge, the officers of the commune will demand satisfaction from the master of the refuge, and if he should refuse they will take it upon his goods and his men.²

Oftentimes, when it was not an inhabitant of the place, merchants who came on business to Beauvais were the sufferers; and harm to them meant, of course, more or less directly, harm to the burghers. In such cases, if the merchant brought complaint to the peers, or later to the mayor and peers — presumably because he could not get justice elsewhere — these officers “might give him aid if he could find his wrong-doer in the city.”³ Clearly, the regular seigniorial officers either could not or would not maintain the peace.

Furthermore, it seemed to be a special grievance that persons who had thus injured the burghers or merchants were able to find places of refuge; and more particularly, that such persons were protected on occasion by the bishop, high lord of Beauvais. Hence, no doubt, the charter made it a special point to say in this connection that no one but the king or his dapifer might take a man back into the city if he had done some injury to a communer, unless he came to pay for his misdeed according to the judgment of the peers. Only, if the bishop happened to bring back such a one unknowingly, and it was shown to him, very well for that once; but he should never take him into the city again, save by the consent of the peers.⁴

But such acts of violence and the protection often accorded those who committed them were not the only injuries the burghers of Beauvais objected to. Their lords frequently imposed unlawful dues; especially, the bishop did this. So it must have been that the next articles of the charter provided a remedy for such ills.

¹ Art. 3: Et quicunque forifecerit homini qui hanc communiam juraverit, pares communie, si clamor ad eos inde venerit, de corpore suo vel de rebus suis justiciam facient, secundum deliberationem ipsorum, nisi forisfactum, secundum eorum deliberacionem, emendaverit. My interpretation of the clause *si clamor ad eos inde venerit* — “and cannot secure justice by the regular channels” — may be questioned; but in view of points which I hope to set forth in a study upon the justice of the commune at Beauvais, it seems to me correct.

² Art. 4.

³ Art. 5. Also, in the same article: et si malefactor ille ad aliquod ierit receptaculum, et mercator vel pares ad illum miserint, si ille mercatori satisfecerit, vel probare poterit se forisfactum non fecisse, satis fuerit communie. Si vero neutrum fecerit, vindicta fiet de eo, secundum deliberationem parium, si intra villam capi poterit.

⁴ Art. 6. This article is usually treated as not especially connected with those before it.

There should be but two millers in each mill ; and if any one put in more than two, or established other bad customs in the mills, and complaint should be brought to the peers — presumably because justice was not to be had by taking the matter elsewhere — the peers might aid the complainant as they thought best.¹ Also, in case the bishop wished to attend the king's three courts, he might take each time three horses ; and they should be had from the folk of the town, not from outlanders. That much was probably a statement of the usual rule ; the real point of the burghers was stated next : but, if either the bishop himself or one of his servants should receive from a man redemption money instead of his horse, he must then take no other horse in place of the one redeemed. If he attempted it, and complaint was made to the peers, they might give aid as they saw fit. Also, any time the bishop wished to send the king fish he might take one horse.²

It will be seen that the chief means of redress sanctioned by these various provisions was force ; private war, the common practice of the noble, was to be, by law now as it had been by fact, the ultimate resource also of the not-noble. Yet it would be difficult to compel all the burghers always to support the commune in such measures. Some were likely to have business relations with those whom others were complaining about, or might be dependent upon them for their holding. Or possibly such reasons as enmity against the complainant, or opportunity to curry favor, or fear to oppose so important a person as the bishop might make some members well disposed toward one against whom the peers were proceeding. It must have seemed desirable, then, to have some special guarantees of communal efficiency at such times. Hence the next provisions of the charter : No man of the commune shall give or lend of his property to the enemies of the commune while it is at war ; for if he does so, he will be a perjurer. If he should be proved to have done so, justice shall be taken upon him according to the opinion of the peers. And whenever the commune goes out of the town against its enemies, no member shall speak with those enemies save by permission of the peers.³

Again, the burghers suffered injuries in still other ways : those to whom they had made loans refused to pay them back ; often enough their goods were stolen ; and there were troubles apparently because of the advantage some communers took over others by

¹ Art. 7.

² Arts. 8 and 9.

³ Arts. 10, 11. It has been customary to look upon these articles as having no special connection either with those preceding or those following them. They seem to me, however, to be related to those before them in the manner here indicated, and so to form an integral part of this first division of the charter.

hanging the cloth they had for sale on higher stakes. So redress for such cases also must be provided; with certain restrictions the commune should come to the rescue. In addition, the charter says here, if a member of the commune should make a loan to one of the city and that person should go away to some place of refuge, the master of the refuge, when he has heard complaint thereof, shall either return the lost property or drive the debtor from his premises; if he should refuse to do either, let justice be taken upon his men, if they should be found, as the peers may see fit.¹ Furthermore, the comuners had better put their goods under some trustworthy guard within the city, because if they should be stolen from them outside the suburbs the commune will not be responsible, unless the thief should be found inside the city.² Also, the stakes for the display of cloth should be of equal height; and then, if a townsman should make complaint, amends will be given according to the opinion of the peers.³

So far the Beauvais charter has dealt with acts of violence, unlawful demands of seigneurs, and stealing; in short, with crimes. It is concerned next with matters of a civil order, with rules or safeguards relating to property and business. "Moreover," these rules begin, "let every member of the commune be careful in lending to an outlander, let him be secure" — that is, no doubt, he should require his debtor to furnish security in the city — "for in this matter [of loans] no one may be seized save the debtor or his bondsman."⁴ At this point three new provisions were inserted in the

¹ Art. 12. [At beginning of next note read: Art. 13 of charter of 1144.]

² *Homines equidem communie nutrimentum suum intra leugam civitatis ad participationem fideli committant custodie, quia si eis extra leugam auferatur, non respondebit eis inde communia, nisi malefactor infra civitatem fuerit inventus.* This clearly is a provision in regard to stealing. It is usual to say that it is not in the charter of 1182 and that Article 13 of the charter of 1182 is not the one of 1144 (Cf. Guizot, *History of Civilization*, Bohn ed., III. 414; Labande, *Histoire de Beauvais*, 90). It seems, however, that the corresponding part of the charter of Philip Augustus, that is, its Article 13, also deals with the subject of stealing. Only it omits the old injunction about a place of safeguard — there was probably no reason in the circumstances of 1182 to repeat such an injunction — and rather prescribes definitely what might be done in actual cases of stealing, just as the previous article had prescribed what might be done in cases of refusal to pay back loans. "Item," it runs, "quicumque pecuniam alicujus hominis de communia auferet et ad aliquod receptaculum perrexerit, si inde clamor ad majorem et pares venerit, de illo, si invenire poterit, et de hominibus et rebus [domini] receptaculi, justitia fiet, secundum deliberationem majoris et parium, nisi pecunia reddatur."

³ Art. 14. The corresponding provision in the charter of 1182 is longer, but beyond speaking of the mayor in connection with the peers and treating the matter more explicitly there is no change: *Ad extensionem quoque pannorum penditoria equali altitudine in terra affigi debent; et quicumque de penditoriis vel de pannificio vel de rebus pannificio appendentibus forifacium fecerit, si inde clamor ad majorem et pares venerit, justitia fiet, secundum deliberationem majoris et parium.*

⁴ Art. 15.

confirmation of Philip Augustus in 1182, of which two continue with the civil matters. Having prescribed caution in regard to security for loans and restriction upon the action of the commune in respect to them, the King specifies a certain limitation upon the action of the communers with reference, it would seem from the connection, to civil suits: "Besides, no communer, nor the commune as a whole, will go outside of the town to plead on any [such] case."¹ The second of the new civil provisions tells what shall be done, probably in cases involving anew that law of prescription in which the commune had been especially interested in its earlier years:² "If a communer should buy an inheritance and hold it for a year and a day and build upon it, and then another should claim it, no reply shall be made to him, and the buyer shall remain in peace."³

It was hardly possible, as human affairs go, that the commune should have from the beginning a perfect constitution, or that its relations with outsiders should need no defining. Difficulties must arise in regard to its organization or its internal and external relations, and if they were not removed the efficiency of the society would be lessened. So, after treating of criminal and civil matters and of the rôle of the commune in regard to them, the charter goes on, as if in a third division, to give some rules about the officers of the association and their rights and duties; about the royal support as a basis of communal authority; and finally, possibly one should say in a fourth division, about certain communal rights as regards relations with the king. The third of the new provisions added here by Philip Augustus declared that thirteen peers shall be chosen in the commune, among whom, if the peers and counselors should so advise, one or two shall be made mayors.⁴ Probably by that time there had been trouble among the peers, and thus it became necessary to provide for undivided leadership. At all events, if this addition about what officers the commune should have was to be made, it was quite proper that it should be inserted before a provision in the old charter which assumed the existence of such officers: "The peers shall swear that they will put no one out of the commune on account of friendship and injure no one on account of enmity, and that they will deliberate justly in all cases according to their light. Also, all others [who may be members of the commune]

¹ Charter of 1182, Art. 16. A similar article appears in the charter to the commune of Amiens, and in connection with the civil provisions (see below, p. 652, in note 2): *De possessionibus ad urbem pertinentibus, extra urbem nullus causam facere presumat* (Article 34); edition in Giry, *Documents sur les Relations de la Royauté avec les Villes en France*.

² Cf. Labande, 55-57; but see charter of Amiens, Art. 25.

³ Charter of 1182, Art. 17.

⁴ Charter of 1182, Art. 18.

will swear that they will observe and support the decisions of the peers."¹ Then follows the assurance of the king's support, without which the commune could hardly hope to be effective: What shall be done through the peers in deliberation and securing justice, we concede and confirm.²

Finally, as to relations with outsiders, this charter speaks only of rights of the commune in its dealings with the king, and that in an addition at the end of the confirmation of Philip Augustus: We grant that the present charter shall for no cause be carried outside the city. And if any one should will to speak against it, no response shall ever be made to him.³ Just what is meant appears more clearly in the corresponding assurance given by King Philip to the commune of Soissons the year before: In case the king received some injury from a communer he would seek justice in the bishop's court, through the communal officers; he would not compel those officers to plead or show the charter outside the town.⁴

Thus, if we have read this Beauvais charter as it was understood in the twelfth century, it made provision first, in Articles one to fourteen, for the maintenance of law and order; second, in the articles immediately following, for certain civil matters; third, for a number of difficulties about the constitution and internal affairs of the commune; and finally, in the last article of the confirmation by Philip Augustus in 1182, for the rights of the commune in certain relations with a power of the place, the king of France. And when changes were made at the time of Philip's confirmation, they were all perfectly logical; here and there the language was clarified,⁵ the mayor was always spoken of in connection with the peers, the general advice given in Article 13 about security against stealing was replaced by a specific prescription as to what could be done if thefts were actually committed,⁶ and when whole new provisions were added they were inserted at natural and proper places. In general, this Beauvais muniment seems to be far more orderly and intelligible than we moderns have thought.

Moreover, an orderly arrangement like that just observed is characteristic also of the charters of other French communes. This may be seen first in the charters most closely related to that for Beauvais; like those to Soissons, Senlis, Compiègne, Sens, and Dijon, which in several places are nearly or quite the same as the Beauvais document.

¹ Charter of 1144, Art. 16; of 1182, Art. 19.

² Charter of 1144, Art. 17; of 1182, Art. 20.

³ Art. 21.

⁴ Charter of Soissons, Art. 20.

⁵ As in Arts. 14 and 19.

⁶ See n. 2, p. 645.

The provisions of the charter for Soissons have not exactly the same grouping as those of the charter for Beauvais; nevertheless they are arranged possibly even more logically. In one as in the other the first business is with criminal matters, but in the Soissons charter the crimes dealt with first are those connected with relations between the comuners and their lords; and instead of regulations about the number of millers and the exactions of the bishop in connection with his journeys to the royal courts, as at Beauvais, there were dispositions about loans of bread and meat and fish to the bishop,¹ and about the rights of lords in connection with their powers of justice.² Then come practically the same provisions as in the Beauvais charter in regard to violations of the peace against the interest of the comuners and visiting merchants; they even wind up with the same guarantees against the return of criminals under the protection of the lord of the town.³ Civil matters are treated next;⁴ besides the question of securities for loans to outsiders, there had been trouble over outlanders who came to Soissons with bread and wine. Then follows a series of provisions⁵ concerning the constitution and internal affairs of the commune; they include, quite logically, the usual stipulations about relations between comuners and those with whom the commune was at war, which at Beauvais we found stated, not unnaturally, in connection with the provisions on criminal matters. Finally, at the end of the old charter there was a clause upon the relations between the commune and the powers of the region, the king's act being given with

¹ Art. 1. Evidently tailles had been levied at will and goods had been seized unlawfully in Soissons, but for the future the burghers were to be free from such exactions, save in two cases: the bishop might demand credit from the *homines* of the city for bread, meat, or fish, and also from fish-men from outside. In the first case the credit should be for three months, after which time he must pay or not be trusted again until he did; in the second, the credit should be for fifteen days, and then, if payment was not made, the foreign fish-men might take goods from the comuners, wherever they could, to the value of their loan.

² Arts. 2-6. The loss of property through fines was involved in every case dealt with but one, and in that there was still a loss of property in question, though it came about in another way. The real purpose, it seems, was to determine what practices of the lords in these matters should be considered lawful. In general, fines for criminal acts, with two exceptions, should be at five *solidi*. And more particularly, failure to pay a properly required charge on circulation of goods should be at five *solidi* (Art. 2); no one should delay or cut short a journey on business in order to swear in court, he might be summoned to do that after his return (Art. 3); in complaints brought by the archdeacon the accused should not pay a fine unless there was a witness against whom he could not clear himself (Art. 4); in case a comuner should violate the law concerning marriage outside his seigneurie, his fine for the profit of the injured lord should be at five *solidi* (Art. 5); and the failure of a *homo capitalis* to pay his cens on the proper day should be at five *solidi* (Art. 6).

³ In Articles 7-10.

⁴ In Articles 11 and 12.

⁵ In Articles 13-19.

reservation of his own rights and those of the bishop and of churches and lords; while in the confirmation by Philip Augustus in 1181 this last clause was preceded by three new provisions.¹ But it seems doubly proper that these additions should be put in at this place, since the first of them continues the subject of the group just before it,² while the second clearly,³ and the third from at least one side⁴ relate to the general subject treated just after.

Many other charters were so much like the one to Soissons that they do not need to be more than barely mentioned here. That to Compiègne was practically the same;⁵ likewise that to Senlis, save in the omission of the provision about mortmain and in the addition at the end of stipulations for payments to the king in return for such a concession;⁶ the charter of Sens⁷ seems to have been copied from that of Soissons; the same may be said also of the grant to Crépy-en-Valois,⁸ of that to the six villages of Vailly, Condé, Chavonnes, Celles, Pargny, and Filain,⁹ of the count of Champagne's concession to Meaux,¹⁰ and also of the charter of Dijon, though this last has besides a long list of additions.¹¹ Then in turn the grants to some of these communes were copied elsewhere, that to Dijon widely.¹² Therefore the conclusion formed concerning the orderly arrangement of the Soissons charter applies also to similar documents for many other places.

By way of charters bearing less of formal resemblance to that of Beauvais or of Soissons, we may notice here those of Laon,¹³

¹ In Art. 20.

² Since the assurance that no one should seize a person in Soissons while the commune wished to do justice upon him would increase the efficiency of the commune.

³ Prescribing that if the king receives injury from a commener he will seek justice in the court of the bishop of Soissons, through the mayor and *jurati*; he will not compel these officers to plead or show the charter outside the said court.

⁴ "No one shall exact mortmain from a member of the commune." In other charters, like that for Laon, where this provision formed part of the original charter, it was classed with the civil regulations; but here, where it was added later, it does not seem out of place between two rules on relations with the powers of the place, since doubtless those who were most conspicuous for exacting mortmain were precisely those powers.

⁵ *Ordonnances des Rois de France de la III^e Race*, XI. 237.

⁶ Flammermont, *Hist. des. Inst. Mun. de Senlis*, Pièces Just., II.

⁷ *Ordonnances*, XI. 262.

⁸ *Ibid.*, XI. 305.

⁹ *Ibid.*, XI. 237.

¹⁰ Cf. Labande, *Hist. de Beauvais*, 99.

¹¹ Garnier, *Chartes de Communes en Bourgogne*, I. 4.

¹² See in Garnier's work.

¹³ Edition in Giry, *Documents*. The charter of Laon has been classed as derived largely from Soissons (Labande, *Beauvais*, 99, 101), but the four articles cited as drawn from it (7, 20, 29 and 30) are hardly of a character to be sufficient proof that they were copied from the Soissons document.

Amiens,¹ and Noyon.² The charter to the commune of Laon, after stating a change of the conditions on which the royal sanction was granted,³ provides arrangements to aid in keeping the peace and punishing crime.⁴ Apparently it had been common for clerics, knights, and alien merchants, when they had been injured by one of the lesser folk, to make reprisals on their own account; so that it was necessary first of all to prescribe that such matters should be dealt with by due process of law.⁵ That done, the charter goes on to tell what should be the due process of law in such cases, first, if the wrong-doer was of the town,⁶ second, if he was from outside.⁷ To provide against protection of the criminal by an interested party, the same rule was laid down as at Beauvais and Soissons.⁸ Also it was essential to provide against crimes that came up when it was not necessarily a case of a communer against a cleric, knight, or merchant.⁹ Then there was a special item against thieving;¹⁰ another about former malefactors, who with certain exceptions were accorded amnesty;¹¹ two items treat of violations of laws concerning dues to seigneurs;¹² and this part of the charter closes with a stipulation relating to the efficiency of the commune in performing its duties in the interests of order.¹³ The second division treats of changing, or at least safeguarding certain regulations of the civil law—all of them relating to property matters.¹⁴ In a third division several matters concerning the communal organization are disposed of.¹⁵ And finally, as a fourth list of troubles, certain relations between the communers and the powers of the town are defined.¹⁶

The charter to men of Amiens deals through twenty¹⁷ of its

¹ *Ibid.*

² In Lefranc, *Histoire de la Ville de Noyon*, 194.

³ It was altogether natural to do this at the beginning, where the king was stating the sanction itself.

⁴ Arts. 2-19.

⁵ Arts. 2, 3.

⁶ Arts. 4, 5.

⁷ Art. 6.

⁸ Art. 7.

⁹ Arts. 8-14. Just what persons are referred to is not altogether clear in every provision, but Art. 14 appears (when compared with later provisions in the charter) to refer to injuries to lesser folk by persons of their class from outside.

¹⁰ Art. 15.

¹¹ Art. 16.

¹² Arts. 17, 18.

¹³ Art. 19, providing for persons who under certain circumstances acted to promote law and order.

¹⁴ Arts. 20-23.

¹⁵ Arts. 24-26.

¹⁶ Arts. 27-33.

¹⁷ Following the usual divisions made by its editors.

customs with the general problem of prevention of crime and maintenance of order. "Every one will be faithful to his fellow and always give him just aid and counsel," it begins, evidently with regard to what follows; for forthwith it prescribes what shall be done with the thief that has been caught within the bounds of the commune;¹ how punishment shall be meted out to him who presumes to "disturb" either persons living within the communal jurisdiction or merchants coming to the city with their wares;² and what shall be done to comuners who seize the possessions of their fellows,³ to non-comuners who seize the possessions of a comuner,⁴ to comuners and non-comuners who do bodily injury to any member of the commune,⁵ and to comuners and non-comuners who insult a member of the commune.⁶ The later customs in this part of the document all appear to be concerned with the problem of guaranteeing the effectiveness of communal action in reference to the crimes prescribed for in its earlier customs: There should be punishment for the comuner who was untrue to his oath;⁷ if the commune or its lords had suffered injury from some persons or their lords, any property of which such persons should be despoiled might be bought or sold by comuners at their pleasure;⁸ the commune was to say what should be done if one of its members took vengeance on his enemy in circumstances which prevented him from getting justice through the commune;⁹ the commune was to proceed summarily with the man who failed to answer the summons of its officers;¹⁰ aiding or communicating with enemies of the commune was forbidden;¹¹ no hired champions were to be admitted against a comuner;¹² any one who knowingly violated the constitution of the commune should have his house destroyed, or at least should be driven from his house unless he rendered satisfaction;¹³ at the same time the commune, presumably in measures to accomplish the ends just specified, should not meddle with the lands or fiefs of the lords;¹⁴ and finally, if any one accused the commune's judges of false action and could not prove his accusation, he should be at the mercy of the king and the mayor and *scabini* for all that he had.¹⁵ In a similar manner this charter lays down, in a second division, certain regulations in regard to civil relations; and in reference to cases in which administration of justice was demanded, the commune's part was in some degree defined, as was in a measure also the part of the king's

¹ Art. 2.⁴ Art. 5.⁷ Art. 12.¹⁰ Art. 15.¹³ Art. 18.² Art. 3.⁵ Arts. 6-9.⁸ Art. 13.¹¹ Art. 16.¹⁴ Art. 19.³ Art. 4.⁶ Arts. 10, 11.⁹ Art. 14.¹² Art. 17.¹⁵ Art. 20.

officers.¹ In a third division this charter deals with various internal difficulties of the commune;² and finally, in a fourth, various additions were made.³

The charter to the comuners of Noyon⁴ is short and exceptionally hard to understand. But when it is approached with the key found in reading some of those that are longer, it appears that ten out of its sixteen customs deal with crimes, including on one hand violations of law in connection with relations with the bishop, lord of the town,⁵ and on the other actions involving violence to persons and property.⁶ Also, the next four customs concern property rights under certain circumstances; and the last two are additions.

¹ Arts. 21-35. To take them in order, it is evident from only reading them that 21 to 26 relate to matters of civil law; so also 27 and 28 (which clearly go together), though in them there is some provision for communal justice. Then, just as the articles on crimes concluded with prescriptions as to communal powers, so here in Articles 29 to 33 it would seem that the object in view was to aid in securing proper justice in civil suits: though the commune's part was in general rather taken for granted than explicitly defined, at least bribery of its judicial officers was provided against (Arts. 29 and 30, which clearly go together), and the mayor was to be appealed to if the provost refused justice (Article 31); and certain procedure was prescribed apparently for the recovery of stolen property and reasonable judicial protection for him who purchased such property from a robber unknowingly (Articles 32 and 33). Finally, it is clear that Articles 34 and 35 are of the civil class. Is it possible that they were inserted some time after the others were written? It would seem that Article 34 contains the same point as the first (number 16) of the articles added to the Beauvais charter when it was confirmed by Philip Augustus in 1182. And Article 35, if it is not an addition, might be expected to be ranged with Articles 21 to 23.

² Arts. 36-45.

³ Arts. 46-52.

⁴ Lefranc, *op. cit.*, 194-196.

⁵ Articles 1-5. Those that present special difficulties read as follows:

1. Pro quacumque commonitione quam fecerint, sive pro banno, sive pro fossato, vel firmatione ville, neque episcopus neque castellanus habent ibi aliquid justicie vel implacitationis, sed cujuscumque sint ordinis hii qui ad eundem ordinem vel ministerium pertinent, vinum vel tale aliquid ab eis accipient.

2. Omnes qui in civitate domos habent, preter clericos et milites, debent excubias et adjutorium civitatis et consuetudines communionis.

3. Si commonitio facta fuerit et quispiam remanserit, vel quia claudus est, vel infirmus, vel ita pauper ut pro custodienda familia sua, uxore scilicet vel parvulis in infirmitate positus, domi eum oporteat remanere, vel si minutus fuerit seque nescisse commonitionem jurare voluerit, nulla culpa tenebitur.

4. Quodcumque adjudicaverint jurati, extra civitatem non poterunt protrahi aut invitari.

Article 2, though it may seem to have no connection with the particular subject of either Article 1 or Article 3, is really incidental, I think, to one or the other, preferably the latter. Both of them have to do with matters connected with the summons by the authorities above the comuners, and Article 2, it would appear, tells just what persons are concerned in the summons. In like manner, Article 4 seems to be incidental to Article 3, the rule it expresses being expected to insure communal efficiency in regard to the matter treated in Article 3.

⁶ There is difficulty also about some of these:

Thus, if the foregoing analyses are correct, it would appear that the communal charters here in question are hardly the disordered compositions such documents have usually been considered. On the contrary, they seem to have been put together as if by some plan. They begin and finish successively the several matters with which they are concerned. The distribution of their various provisions may differ considerably from one charter to another, but in each instance there is some logical general arrangement. If certain provisions, like those to assure effectiveness of the communal action in criminal matters, are sometimes with one group and sometimes with another, in any case they never seem out of place; they have a double character which makes them fit in naturally at more than one point. Even when additions are made in confirmations, they are put in in appropriate connections, either inserted with the group with which they might naturally have appeared at the beginning or put at the end of the original document. In short, these communal charters, far from being deformed and unreasoned, proceed about their business in an orderly and logical manner.

But more than this, such conclusions on the charters, especially when the course by which they have been reached is considered, give some rather clear information about the communes themselves. To begin with, we have endeavored, while analyzing the charters, to keep ourselves consistently in the environment of the comuners and to look at them and their world as they did. At every step we have asked whether this and that point mentioned by the charters should not rightly be connected with certain conditions of the place and time which the men of the commune naturally wished to change. We have constantly raised the question whether these folk were not capable of seeing several particular features of their situation in such a way as to consider them of the same general character; we have gone on the hypothesis that they were able to distinguish, for example, between ways of violating the law and proposals for the reform of the communal organization. Then,

6. Si quis vulneraverit vel occiderit quemquam intra communionem, jurati facient vindictam, forisfactura erit episcopi et castellani sicut prius.

7. Si quis vult esse in communione, non recipiatur ab aliquo solo, sed presentibus juratis, et pecunia quam dederit sub eorum testimonio accipiatur.

9. Si episcopus implacitaverit aliquem de communione pro aliqua forisfactura, vel pro banno, non poterit convinci vel appellari per aliquem servientem ejus, nisi alium approbatorem adduxerit, qui si defuerit sacramento se purgabit.

10. Nullus, absente clamatore, nisi injuria coram scabinis vel juratis fuerit ostensa, respondere habebit.

Article 7, I take it, must be intimately connected with Article 6. Its full meaning, thus taken, may not be clear, but it seems natural that there should be some special control of the membership of an organization which was to secure the benefit arranged for in Article 6. Article 10 may easily be understood to be a continuation of Article 9.

closely connected with this, we have disregarded the division of the charters into articles, save for strictly reference purposes, in much the same way that modern editors of the Bible have discarded its old verses. This way of dividing the matter of such documents is of course a device of translators and editors to make it more convenient to refer to this or that custom of a charter. But it is to be feared that these articles, though created with a worthy motive, do not always correspond to the real points that the original writer of the documents had in mind. They seem, indeed, to have had considerable influence in leading — or rather misleading — us to look upon the several so-called articles of a charter as describing — or rather not describing — so many separate and distinct matters in which the commune was interested. At all events the arrangement into articles has been associated with a scrappy analysis of the charters. For example, how long has it been said, as if the original writer of the document would have it so, that Articles 1, 8, 11, and 21 deal with one matter; 3, 5, 10, and 16 with another; 2, 4, 7, and 15 with still another? At the same time, also, we have endeavored to free ourselves from the assumptions of many earlier students, whose political theories led to a similar analysis: the communes were of course town governments, such as we should have now, and these charters, being their fundamental laws, describe in, say, Articles 1, 9 and 14 the law upon one subject; in Articles 5, 8, 16, 22, and 37 the law upon another; and so on. Thus, then, we have come not only to what would seem more natural and reasonable views of the charters, but also to a more definite idea of what the communes were really trying to do. We may say rather explicitly what general objects at least many of them had in hand, at all events in so far as those objects are reflected in their charters.

In the first place, they aimed to provide against acts of violence and unlawful demands of seigneurs, and to insure safety of property; in short, to promote law and order by arranging for efficient prevention and punishment of crimes. Second, they aimed to establish, change, or guarantee certain regulations in the field of civil relations. Third, they wished to make the commune a really effective organization, able, under all the circumstances, to accomplish what it was designed to accomplish. And fourth, in some instances they would regulate relations between the commune or its members on one side and the nobles and clergy or various lords and higher powers on the other. And foremost among these various purposes was the promotion of law and order. So it was, doubtless, that the first and largest — sometimes by far the largest — part of their charters was

devoted to this subject. The primary business in each of them was not exactly—as we have so often heard—to proclaim the solidarity of the commune and the mutual aid that its members were always to give each other, but to make of a certain association which had been formed for mutual aid an effective agent in securing the punishment and prevention of violations of the law. Some charters, as those to Beauvais and Amiens, began with injuries to persons or property; others, like those to Soissons and Noyon, opened with provisions concerning the violation of law by seigneurs in the way of exactions which the custom did not permit. But in either case, injuries or exactions, it was a question of punishing and preventing crimes, and through that of promoting peace and order.

Thus it has been seen what many of the communes were trying to do in the towns in which they were, what place they had with reference to their immediate surroundings. At the same time may it not also be seen more clearly than heretofore on what ground these same bodies maintained close relations with the king? It is said that Philip Augustus gave his support to such organizations for political and financial reasons; by these means he could strengthen himself in his old domain, gain something against opposing lords in annexed regions, and increase the funds of a hard-pressed treasury. All of this, doubtless, is true; indeed, private advantage was probably the immediate determining factor on both sides. Yet does it not appear, in the instances we have observed, that the broader common ground on which king and communes met was the promotion of peace? Maintenance of the law and advancement of justice certainly formed one of the paths of royal progress, possibly we should say its chief path; and whether work of this order was looked upon in a private or a public light, it was service which the king was more and more able to give and which many groups of people were glad to have and were more and more willing to make some return for. So it was not unnatural that at Beauvais, Soissons, Laon, Amiens, and numerous other places where justice was evidently not to be had by the regular channels the king should give his support to associations which were aiming especially to keep the peace.

Finally, and in a more general field, thus to know more definitely the rôle of a considerable number of the French communes may add at least another candle to those flickering lights by which we try to make out the real features of medieval democracies—to read, as it were, their thoughts and inner purposes. They were hardly setting up organizations which we of the Anglo-Saxon world should call a town government. It must be remembered that they were all born in the feudal régime, and that they always breathed its life;

they pursued its ends, they acted under its necessities, and they used its means. Thus they were struggling, like all about them, to further various private interests ; they made all possible bargains and arrangements — with bishops, chapters, lords, kings, with whoever was at hand — to conserve their persons, their possessions, and their business ; and to do all these things more successfully they had formed, here and there, private mutual-benefit associations. In some places these associations wished to do one thing, in other places something else. In the towns we have studied here they wished especially to help keep the peace and maintain the law ; and in doing so they were doubtless acting less for the town as such than for the private interests of a greater or less number of their members.

EARLE WILBUR DOW.

THE YOUTH OF MIRABEAU

THE last week in February, 1764, young Mirabeau, a stout, pock-marked youth of fifteen, arrived at Versailles, where he appeared incognito, probably under the name M. de Pierre-Buffière.¹ M. de Sigras, the friend of the marquis who had agreed to take charge of the boy, was a "brave soldier, a good Latinist, a captain of cavalry, and a member of the *Académie des inscriptions et belles-lettres*." Although married, Sigras had no children. His wife being first lady in waiting to the dauphine, the mother of Louis XVI., he resided with her for a portion of the year at Versailles.²

Of the experiment tried by the Sigras family we know little more than that it promised much, but failed signally. In a letter to his brother the marquis described the manner in which he had worked on their feelings and induced them to take his son :³ "As to my eldest, who has given me, and still gives me, more trouble than all the rest of the family, do you know what action I have taken? He has now been for three days incognito at Versailles in the hands of the big Sigras, who has taken charge of him. You know this worthy man, his appearance and manner. He is to have with him

¹ Correspondance Générale, IV. 384. The marquis to the bailli, Paris, February 28, 1764. (It is by this title that I refer to the manuscript correspondence between the marquis and his brother. It is contained in twelve large volumes and is the property of M. Lucas de Montigny of Aix en Provence, through whose kindness I was allowed to consult it. This correspondence, only portions of which have been published, is the chief source of information concerning the early life of Mirabeau.) "Il est actuellement depuis trois jours incognito à Versailles." The marquis does not state in this letter what name had been given to his son. In a letter of June 2, 1764, the boy is referred to as M. de Pierre-Buffière. "C'était tout simplement," writes M. de Loménie (*Les Mirabeau*, III. 23), "le nom d'une terre importante, près de Limoges, devant revenir au marquis du chef de sa femme, et qui lui permettait de prendre le titre de premier baron du Limousin. Nous ne jurerions pas que le marquis n'était mis quelque vanité à faire porter par son fils le nom de cette terre." This hypothesis is clearly untenable. Mirabeau left home in disgrace. Referring to his departure, the marquis wrote his son in 1770, "Je vous ai dit en sortant de chez moi que vous ne reverrez la maison paternelle que je ne vous eusse changé" (Correspondance Générale, VI. The marquis to the bailli, Paris, June 1, 1770). In May, 1770, when Mirabeau was with his uncle in Provence, the marquis wrote to his brother : "Si tu continues et persistes à en être content, je te prepare un cadeau à lui faire, c'est d'obtenir qu'il prenne notre nom" (Correspondance Générale, VI. The marquis to the bailli, May 29, 1770).

² Loménie, *Les Mirabeau*, III. 22.

³ Correspondance Générale, IV. 384. The marquis to the bailli, Paris, February 28, 1764.

for some time yet a friend of his youth of the same cut and figure as himself, but stouter and more rustic. He will take the young man into the fields and be the good soldier, while Sigras will be the bad one. To describe to you the course that I took to win these worthy people, not only hiding nothing from them, but even heaping up the measure, would take too long. You will see at once that I touched the noble and almost romantic soul of Sigras and that this success is the result of the reputation that providence has conferred upon me by paying me in the money of the esteem of honest people, which is worth as much as any other treasure. It is a matter of religion with this good man to do everything to succeed. As for myself, I hope at least to draw from it the consolation of having neglected nothing in the performance of my duty in this matter and in the attempt to correct nature."¹

At the end of three months Sigras, with tears in his eyes, announced to the marquis that he would remain the jailer of his son as long as he pleased, but he despaired of ever doing anything with him. "That means," commented the marquis, "that the inexplicable derangement of his head is incurable."² He had never been confident that the experiment would succeed. After the boy had been with Sigras two months, the marquis referred to the possibility of his eldest son's becoming a good man as the result of punishment.³ It was his method of "correcting nature." There is no indication in this letter—the only one in which Mirabeau is referred to before his father announced the failure of the experiment—that Sigras was succeeding. The marquis still entertained the idea of dividing the estate, even if the eldest should be reclaimed. Boniface, "who is always the same, an excellent child," was being educated in the school of the Barnabites at Montargis. The marquis informed his brother, with much satisfaction, that "Father de la Roque, who had especial charge of him, has written, in a letter to his brother that I was not expected to see, 'I have never seen a child at the same time more active and more gentle.'" The marquis believed that he had every reason to be contented with his youngest son.⁴

¹ While Mirabeau was with Sigras the bailli wrote to the marquis as follows: "Quant à l'aîné, je souhaite et même j'espère que le Sigras en tirera le parti le plus avantageux que son étoffe comporte. Il ressemble diablement pour la figure au grand père maternel. Peut être que quand le monde le pressera de tous côtés et qu'il ne trouvera plus l'indulgence qu'il est impossible qu'on ne trouve pas dans la maison paternelle, son amour propre l'engagera au moins montrer ses défauts et cela les diminue à cet âge là." *Ibid.*, IV. 476. The bailli to the marquis, Malte, May 24, 1764.

² *Ibid.*, IV. 465. The marquis to the bailli, Bignon, June 2, 1764.

³ *Ibid.*, IV. 396. The marquis to the bailli, Paris, April 24, 1764.

⁴ *Ibid.*, IV. 384. The marquis to the bailli, Paris, February 28, 1764.

The failure of the residence with Sigras to serve as "a transition from the paternal house to the liberty of the army," for which the marquis intended his son, induced him to send the boy to a military school not unlike the one in which he had received a large portion of his own education. "I wished," he said, "for my own satisfaction, to give him the finishing touch by means of a public education and I sent him to the Abbé Choquard, who keeps one of the celebrated boarding-schools of the day, as they would not take him in the colleges in spite of all compliments. This man is severe and forces the punishment when necessary. This last trial made and completed, if there is no improvement, as I do not expect there will be, I will expatriate him bag and baggage." In the same letter in which he threatened his eldest son with such cruel punishment he informed the bailli that they might regard Boniface "as pretty nearly the sole resource of our house."¹ Two weeks later he referred to his "two boys, one of whom, according to appearance, ought not to be counted. Everything turns upon the head of Boniface, who is still an embryo."²

The school to which Mirabeau had been sent was in Paris, Barrière St. Dominique. It was not a reform school, nor had he, apparently, been sent there as a punishment for any particular misdemeanor.³ The father did not want the son at home and had given such an account of him that the regular boarding-schools would not receive him. At the Abbé Choquard's he would be severely disciplined, but at the same time thoroughly prepared for entrance into the service.

Among Mirabeau's fellow-pensioners were two young Englishmen, Gilbert and Hugh Elliot. The information concerning the character of the school and Mirabeau's life at this time is drawn chiefly from their letters.⁴ "No complaints of harsh treatment have, however, been recorded in the letters of the Elliots. In a style of which the idiom soon became more French than English, they describe the little events of their school life; their studies in ancient

¹ *Ibid.*, IV. 465. The marquis to the bailli, Bignon, June 2, 1764.

² *Ibid.*, IV. 471. The marquis to the bailli, Bignon, June 15, 1764.

³ "Une satire sanglante, qu'il avait composée contre une amie de son père, l'avait fait exiler de la maison paternelle, et reléguer dans la pension de l'abbé Choquard, où je le connus." This statement appeared in an article published by the *Journal de Paris* immediately after Mirabeau's death (April 22, 1791). The writer claimed to have been a teacher of mathematics at the pension of Abbé Choquard while Mirabeau was a pupil in the institution. There is nothing in the correspondence between the two brothers that gives any support to the statement quoted above. It is not probable, however, that the marquis would mention a matter of that kind to the bailli.

⁴ The Countess of Minto, *A Memoir of the Right Honorable Hugh Elliot* (Edinburgh, 1868).

and modern languages; their lessons in dancing, swimming, fencing, tennis; their military drill on Sundays; their parties in fine weather to Argenteuil, 'a village on the Seine not to be compared to Richmond,' and in the winter to the theatre to see *Zaire*, 'a tragedy by Monsieur de Voltaire'; the changes in their uniforms from blue and gold in winter to blue and silver, with a blue silk waistcoat, in summer. These and similar topics form the staple commodity of the boys' letters."¹ In a letter to his mother, written September 12, 1765, Hugh described the celebration that took place at the school on the fête of St. Louis. "Our first appearance," he wrote, "was in arms, after having performed military operations until dark. The place where we exhibited, which was in the middle of a small plantation at the end of our garden, which was excessively pretty when illuminated with garlands and lustres, was at once changed from a field of battle to a dancing school. For having laid aside our arms we danced stage dances till ten o'clock, opera-singers warbling cantatas to the king's praises between every dance; then the whole was shut by a firework."² One of the letters of Gilbert contains a description of a public examination: "The Abbé had thought to make a great coup by making the examinations open with a new exercise, which none of the troops in France will do until May; but, alas. it was throwing pearls before swine, for there was little else than ladies and clergymen to see it, who did not know the new from the old one. Our friend Mirabeau then repeated a long discourse in praise of mathematics, composed by the Abbé; and after a general clap, was examined on that part of his studies. I was examined after him on the same subject."³

Two years later, at the celebration of the fête of St. Louis, "Mirabeau pronounced an oration of his own composition entitled 'Eulogy of the Prince of Condé compared with Scipio Africanus.' It is mentioned by some of the journals of the time, probably at the instigation of the Abbé Choquard, who was desirous of calling the attention of the public to his establishment. The editor of the Bachaumont collection makes mention of the eulogy under the date of January, 1767, and remarks, à propos of the young writer: 'It is to be noted that this young eagle is already following the flight of his illustrious father, and the anecdote becomes valuable for that reason. The son has more clearness, more elegance in his style, and his discourse is very well written.'"⁴

¹ *Ibid.*, 4, 5.

² *Ibid.*, 5.

³ *Ibid.*, 6.

⁴ *Ioménie*, III. 28. According to Mirabeau, *Lettre de M. de S. M. aux Auteurs de la Gazette Littéraire*, reprinted in the third edition of the *Essai sur le Despotisme*, this

The Elliot boys, especially Gilbert, became very much attached to Mirabeau. The friendship did not end with their school-days. Twenty years later, when Mirabeau was the guest of Sir Gilbert in England, the latter, writing to his brother, described their old comrade as follows: "Mirabeau, though considerably ripened in abilities . . . is as overbearing in his conversation, as awkward in his graces, as ugly and misshapen in face and person, and withal as perfectly sufficient, as we remember him twenty years ago at school. I loved him then, however, and so did you, though, as he confesses, you sometimes quarrelled with him, being always somewhat less patient in admitting extreme pretensions than I."¹ This retrospective portrait of young Mirabeau, drawn by a friend, would seem to prove that he possessed at this time in a well-developed form all the traits that composed his fully developed character. He was overbearing in his conversation, awkward in his graces, ugly and misshapen in face and person, and perfectly sufficient, and yet men loved him. This power to draw men to him, so early displayed, he never lost; he exercised it equally upon his playmates at the Abbé Choquard's and upon the men who stood about his death-bed. During their residence in Paris the Elliots were in the charge of a tutor, Mr. Liston, afterwards Sir Robert Liston and English ambassador to Turkey; and "Mr. Hume, to whom they had been specially commended, showed them great kindness, and often visited them and superintended their studies." Mirabeau was acquainted with Liston, and it is probable that he also came into contact with Hume.²

Shortly after Mirabeau's death the *Journal de Paris* contained a communication from one who professed to have been an instructor in the school of the Abbé Choquard.³ "M. de Mirabeau," wrote this correspondent, "was only fourteen years old when I found him in the military school of the Abbé Choquard, Barrière St. Dominique, where I was called to teach mathematics. I soon distinguished him from his fellow-pupils on account of the nature of his questions, and the promptness with which he found the solution for a problem. Outside of my class he did nothing; all that was studied in the pension and did not appeal to his imagination appeared insipid to him; he wrote a miserable hand, which he never eulogy and some of his verses were printed at this time. "Alors on imprima quelques bagatelles du comte de Mirabeau," and in a foot-note he adds, "Un éloge du grand Condé, composé pour une fête publique; quelques pièces de vers," etc. *Essai sur le Despotisme*, xix. (Paris, 1792.)

¹ Sir Gilbert Elliot, *Life and Letters* (3 vols., London, 1874), I. 87, note 1.

² Writing to Hugh Elliot in 1783, Mirabeau inquired about Liston, whom he called "le bon Liston," and added "s'il vit, il ne vous est sûrement pas étranger." Minto, 430. The reference to Hume is Minto, 6.

³ *Journal de Paris*, I. No. 112. April 22, 1791.

seriously undertook to improve. Seeing him absolutely unoccupied, I proposed to him that he come and work with me and had him read the *Essay on the Human Understanding* by Locke. While reading the first chapter of the second book, with which I had him begin, he fell into a profound reverie; and all at once awaking as from a dream, he cried, 'There is the book that I needed,' memorable words that I have never forgotten, and he was only fourteen years old.

"We read together the last three books of Locke's work. The astonishing penetration of young Mirabeau, his association of ideas, his singular reflections, caused me to conceive the greatest hopes of him. Before knowing me he had written very energetic verses with great facility, but the reading of Locke, which he finished in three months, made him neglect from that time on a talent that had been injurious to him." The writer of this anecdote left the pension the following year. Some time later he encountered Mirabeau in the Tuileries. Running to him, Mirabeau greeted him with "extreme vehemence," saying, "Ah! I shall never forget that you made me read Locke."

However much truth there may be in the anecdote concerning Locke — it certainly is highly probable, the boy being at this time fifteen instead of fourteen, and very precocious — the statements concerning his mathematical ability are supported both by words of Gilbert Elliot and by Mirabeau's own reference to his mathematical studies. "I pushed mathematics in two years," he wrote while at Vincennes, "beyond differential and integral calculus."¹ At another time he declared that he had studied mathematics "from his earliest youth."²

In the Choquard pension Mirabeau remained for three years. Concerning the influence upon his character of the training received in the school,³ and the vicissitudes in his relations with his father during this time, little can be said with certainty. Judging from the letters of the marquis to the bailli in their collected correspondence, the experiment was a success. After Mirabeau had been in the school about two months his father wrote to his uncle that "M. Choquard pretends that he has more than half conquered M. de Pierre-Buffière, and finally he does not send him back to me. That is a great deal."⁴ In January of the following year he "was assured

¹ *Lettres Originales de Mirabeau*, III. 24.

² *Ibid.*, II. 289.

³ Mirabeau says of the training he received in the pension: "Il y apprit les mathématiques, et y réussit; étudia superficiellement quelques langues." *Essai sur le Despotisme*, xix.

⁴ *Correspondance Générale*, IV. 486. The marquis to the bailli, Bignon, July 17, 1764.

that a great change had taken place in his eldest son." Always skeptical, the marquis added by way of comment, "I am watching and keep my hands off."¹ The letters of the two years that follow contain no reference to Mirabeau. On March 31, 1767, his father announced that he was about to send him to the army.²

The letters quoted by M. de Montigny — the originals of which I have never seen — introduce deeper shadows into the picture and place the marquis in a more unfavorable light. These quotations are from letters addressed to the bailli and to the Comte du Saillant, the son-in-law of the marquis. Are they genuine? They may be as a whole, but how much of each quotation is an exact reproduction of the original it is impossible to say without a comparison with the originals. It is seldom safe to quote the language of the letters published by M. de Montigny; it may be permissible to give the substance of them.³ In August, 1764, the marquis learned that the boy had been receiving money from his mother.⁴ It was, perhaps, to prevent all such interference with the education of his son that the marquis gave orders that he should not be permitted to correspond with any person outside of the school.⁵ At the close of the first year, for reasons of which we know nothing, Mirabeau was to have been removed from the school and submitted to more severe discipline elsewhere.⁶ His comrades were so attached to him and so affected by the news of the misfortune that was about to befall him that they sent a deputation to the marquis bearing a petition signed by all of them asking for a suspension of the sentence. The marquis granted three months.

The reports from that time on must have been favorable, for the next quotation is from a letter written to the Comte du Saillant in February, 1766, in which the marquis announced that he hoped to save his eldest son, although the boy had a long road to travel on the way to reform.⁷ Before the year had closed, the hopeful mood had passed and the marquis announced his intention of leaving his son with Choquard until he could send him to the north to remove him from the places where he might be a burden after the marquis's death.⁸

¹ *Ibid.*, V. 10. The marquis to the bailli, Paris, January 5, 1765.

² *Ibid.*, V. 270. The marquis to the bailli, Paris, March 31, 1767.

³ I never quote the letters contained in the work of M. de Montigny when I have access to the originals or reliable copies of the originals.

⁴ Montigny, *Mémoires de Mirabeau*, I. 279. The marquis to the Comte du Saillant, August 30, 1764.

⁵ *Ibid.*, I. 279. The marquis to the bailli, October 31, 1764.

⁶ *Ibid.*, I. 280. The marquis to the bailli, August 7, 1782.

⁷ *Ibid.*

⁸ *Ibid.*, I. 281. The marquis to the Comte du Saillant, December 13, 1766.

It is important that the attitude of the marquis toward his younger son during this period should not be lost sight of. He was as persistent in his fondness for the one as he was in his dislike for the other, and continued to cherish the plan of marrying the younger in Provence and making him the heir of the old family possessions in that region. "We need a master for our patrimonial estates," he wrote to the bailli in March, 1767. "Boniface has my character in wishing to be always on pleasant terms with those around him, *bon camarade*, for so they call him. He never quarrels, has a great memory, *dissipation prodigieuse*, a *bon enfant*. From you he gets his firmness and a truthfulness that is unique. Finally, he promises to be a *bon sujet*."¹

To establish external facts is at times not difficult; to explain these facts, to make clear the motives that led to the visible acts is often impossible. Young Gabriel was ugly and resembled his maternal ancestors; his mother lived apart from his father and was at war with him; the boy was in communication with his mother and received money from her. Boniface was personally attractive and resembled his father; there is no evidence to show that he took any interest in his mother. The father disliked the one boy and was fond of the other. These are the facts that have led historians to attribute all the hostility of the marquis toward his eldest son to this maternal likeness and to the interest taken by the boy in the mother's cause. There is practically no evidence to show that Mirabeau, in his early years, ever took sides in this family quarrel. True, Madame de Pailly did not like him, but her attitude may be partially explained by evidence that has often been overlooked. Mirabeau was an extraordinary child and not easy to manage. It is quite conceivable that without any family quarrel, without any Madame de Pailly, his education might have been a failure and that he might have turned out much the same sort of character that he finally became. It is quite possible that the main cause of trouble was the boy's disposition, while Madame de Pailly, his ugliness, his resemblance to his maternal grandfather, and the separation only served to aggravate the situation. It is possible, for motives are a matter of inference; but as long as psychological motives cannot be inferred with certainty from external acts, especially when these acts are few in number, and as long as the historian possesses no superhuman powers of divination, the careful student will hesitate to offer with any assurance an explanation for such phenomena as those involved in the relation of the Marquis de Mirabeau to his eldest son.

¹ Correspondance Générale, V. 270. The marquis to the bailli, Paris, March 31, 1767.

It is not necessary to assume that the marquis was actuated by harsh motives in removing his son from the Choquard pension. Mirabeau was eighteen years of age and, as his father intended him for the army, it was high time for him to begin the serious work of his life. "As to my boys," he wrote to the bailli,¹ announcing his intended action, "the eldest is still a cross; the world is full of trouble. I am going to send him as a volunteer (new style) to the roughest of military schools. A young man, but of the antique type, has founded it in his regiment. He pretends that the exclusive air of honor, united to a hard and cold régime, can restore lungs, even those that are naturally in very bad shape. I asked of him as mentor an officer who, without argumentation or talkativeness, has by instinct a disgust and natural disdain for everything related to cowardice. He said that his man was such a one. I have, in fact, seen two fathers thank him for having created a son for them. I ought to neglect nothing. I am going, then, to follow this road."

"When my son entered the service," he wrote later,² "you may infer from what you know of the past that I neglected nothing that he might be in good hands, were it for no other reason than that I might have nothing to reproach myself with. The Marquis de Lambert, to whom I had confided him, and who was pointed out to me on all sides as keeping the best and strictest military school, asked of me, at least for a time, a trusty domestic and one authorized to denounce him, above all one that he [Mirabeau] recognized as a mentor, not wishing to accustom him to think that espionage, even for a good motive, was a usual method. I proposed Grévin, whom he knew, and with whom he was delighted. I had difficulty in persuading him [Grévin] to consent to it for a time, but he is there."

The Marquis de Lambert, to whose care Mirabeau had been entrusted, was colonel of the regiment of Berri-Cavalerie, belonging to the light horse of the French army, at that time stationed at Saintes. He was the grandson of the famous Madame Lambert, and related to the Vassans. He did not, however, take the part of the Marquise de Mirabeau in her affairs with her husband, being a friend of Madame de Rochfort and a devoted disciple of the *Ami des hommes*. Although holding the rank of brigadier, the Marquis de Lambert was at this time but twenty-six years of age.³

On the nineteenth of July, 1767, Mirabeau joined his regiment. Saintes, the garrison town, charmingly situated upon the banks of

¹ *Ibid.*, V. 270. The marquis to the bailli, Paris, March 21, 1767.

² *Ibid.*, V. 359. The marquis to the bailli, Paris, August 7, 1767.

³ Loménie, III. 29.

the Charente not far from Rochelle, is a quaint old place to-day and could hardly have been less so one hundred and thirty years ago. The broad, quietly flowing stream; the old Roman bridge connecting the two parts of the town and supporting a beautiful triumphal arch; the wide main avenue, with its great trees casting a deep shade, rising from the bridge over the hillside; the crooked, picturesque streets; the remains of the Roman amphitheater; the impressive romanesque churches; and the fine old façade of the palace of justice — this was the picturesque environment of the young volunteer. Life in such a place was certainly not a hardship.

Of Mirabeau's life during the first year we know practically nothing. Local tradition indicates a house in the Rue d'Alsace-Lorraine as the place of his residence, and reports that at one time he was confined in the tower of the old palace of justice.¹ M. Charles de Loménie writes that "Mirabeau was one of the most insubordinate soldiers in the Berri-Cavalerie; he passed a portion of his first year of service in the prison of the regiment," yet he gives no proof and I have been able to find little more than this tradition to which I have referred.² As the tradition gives no date for his imprisonment, it is quite possible that it fell in the second year. No reference to Mirabeau is found in the correspondence between the marquis and the bailli until April 21, 1768, or near the close of the first year. "The news from the other [Mirabeau] is good," runs the letter; "I am going to get him a commission."³ His conduct must have been unusually good to satisfy two such censors as his colonel and his father.

On the twentieth of April, 1768, the marquis addressed himself to Choiseul, asking that his son be made a second lieutenant in the regiment in which he had served for nearly a year. "I have a son," he wrote, "whose youth was wayward. I prolonged and stiffened

¹ I have repeated the tradition as it was given to me by M. Louis Audiat, librarian of the city library at Saintes.

² The only additional evidence that I have found is in the report made in 1776 by the commission on *lettres de cachet* on Mirabeau's case: "Après une jeunesse beaucoup trop orageuse, avait été toujours en prison au regiment de Berri cavalerie où l'on l'avait mis pour son école militaire sous le Mis. de Lambert." *Mémoire sur Mr. le Comte de M.* Archives nationales, K. 164, No. 2, 32. The value of this evidence is questionable. The commissioners undoubtedly had the statements of the marquis before them, and at the time this memoir was drawn up the marquis was extremely hostile to his son. A memoir of this character drawn up in 1776 could hardly outweigh the evidence of the marquis himself given in 1768, that "the news from the other," meaning Mirabeau, "is good; I am going to get him a commission." At the same time he made this statement to his brother, the marquis informed the minister to whom he applied for the commission that his son was "esteemed" in his regiment. The significance of this application for a commission evidently escaped M. de Loménie.

³ Correspondance Générale, V. 399. The marquis to the bailli, Paris, April 21, 1768.

his education in every way and by every method, preferring to delay his entry into the service rather than have him ruin himself at the outset; when his age finally forced my hand I asked of the best officers of my acquaintance which of the military schools was the strictest and most exact. All agreed in naming the regiment of Berri commanded by the Marquis de Lambert. I put him in this regiment as a volunteer. The young man submitted. He has now made himself esteemed and has never lacked wit nor talent. I waited until his colonel should say to me that it was time to ask a commission for him; he has sent me the *mémoire* that I have the honor to transmit to you; my son was nineteen years old the tenth of March. I was not aware that a copy of his certificate of baptism would be necessary; I have sent to his birthplace for it and I promise you to send it to the bureau in a short time."¹

The inclosed *mémoire* from the colonel was as follows: "The Marquis de Lambert requests M. le duc de Choiseul to be kind enough to procure for the Comte de Mirabeau a commission as *sous-lieutenant réformé à la suite du régiment de Berry*, where he has served for a year in the position of a volunteer. His birth is sufficiently well known so that it would be useless to add the ordinary certificates. The extract from the baptismal record is subjoined."² M. Brette calls attention to "the cleverness with which De Lambert dwells upon the birth in order to avoid speaking of the conduct and the aptitudes of Mirabeau. These words, *commission de sous-lieutenant réformé à la suite*, testify to an attempt to reduce as much as possible his military position and consequently his responsibilities."³ It may be so, but in the face of the father's letter and of the fact that at this time the colonel was evidently satisfied with Mirabeau, the inferences of M. Brette seem hardly to be justified by the evidence. On the same day that Choiseul received the letter of the marquis Mirabeau was made *sous-lieutenant sans appointements* in the cavalry regiment of Berri.⁴

Some three months later, on a July day, the marquis was startled by the news that the young lieutenant, having lost eighty louis at play, had deserted and that his whereabouts was unknown. The marquis asserted later in a letter to the bailli that the news did not disturb him. "On the contrary," he wrote, "I found myself

¹ The documents relating to Mirabeau's commission in the Berri cavalry were discovered by M. Brette and published in 1895 in the *Révolution Française*, XXIX. 255-264, under the title "Les Services Militaires de Mirabeau." The originals are in the Archives administratives de la guerre, "au nom de Gabrielle-Honoré de Mirabeau, sans cote spéciale."

² *Ibid.*, 257.

³ *Ibid.*, 258.

⁴ *Ibid.*, 259.

relieved by the fact that he had been guilty of a prank similar to that of others." A few days later he was informed that "M. de Pierre-Buffière had been found in Paris, addressing himself to M. de Nivernois and opening against M. de Lambert a pack of recriminative lies, almost convincing by force of his eloquent effrontery. It was this action that dictated his arrest, and on seeing this hideous heap of contraventions and this ingratitude I felt the soul of my father reproach me for having hoped to do anything with this miserable being after so many trials."¹

Mirabeau was indeed at Paris and appealing to the Duc de Nivernois, as his father had stated. He had taken lodgings under an assumed name at the Hotel de Bretagne, Rue St. André-des-Arts, and writing to the Duc de Choiseul had begged him to act as a mediator with his father and to grant him a hearing. "I dare to implore your intervention with my father," ran the letter, "whom I shall find cruelly irritated with me on account of the inconsiderate act to which I was driven by vivacity, anger, and human respect. M. de Lambert, my colonel, affronted me twice in so outrageous a manner that I had the whole city murmuring at my patience, which was looked upon as baseness. I felt that my mind, prodigiously agitated, was getting beyond my control. The fear of committing the greatest of follies, the humiliation of seeing myself shamefully ridiculed made me decide to leave Saintes. I set out by post, and whatever chances I may take in announcing to you my residence, I count sufficiently upon your justice and your goodness to confide to you that I am in Paris. Deign to conceal this from my father until you have been willing to hear me and to verify the facts I shall have the honor to state to you. I dare, then, to supplicate you to send to the Hotel de Bretagne, Rue St. André-des-Arts, a card upon which you will have been kind enough to give me your orders concerning the hour that I beg you to grant to me. This card, without name, presented to the porter, will be faithfully remitted to me and I shall take the liberty of calling upon you." The letter bore the date of July 21, 1768.²

What were these affronts that had so affected the mind of Mirabeau that he deserted his regiment, even, it is said, abandoning³

¹ Correspondance Générale, V. 467. The marquis to the bailli, Bignon, August 24, 1768.

² A copy of this letter, made from the original in the possession of M. Lucas de Montigny, is given in the manuscript of M. Moutter's volume entitled *Mirabeau en Provence*, now in my possession.

³ The memoir prepared in 1776 does not charge him with deserting his post, but states that he was sent to the Île de Ré "pour avoir quitté et fui sans congé de ce régiment." Archives nationales, K. 164, No. 2, 32.

his post when on guard, to save himself from the danger of committing some crime that he might afterwards regret? It was a love-affair. The story is told by M. de Montigny, but without the citation of a particle of evidence:¹ "The young and beautiful daughter of a constable of Saintes had pleased the Marquis de Lambert; she had also pleased Mirabeau; according to usage the second lieutenant had supplanted the colonel; the latter, already harsh by nature, already indisposed, authorized, stimulated by the father and by Grévin, insulted his happy rival, had him insulted, or allowed him to be insulted by a coarse caricature, which set the whole regiment laughing at Mirabeau's expense; then Lambert called the authority of his rank to the aid of his irritated *amour-propre*; it was then that Gabriel, punished beyond measure, and unable to deceive himself concerning the cause had, *while on guard*, abandoned his post and fled to Paris."

This account rests, as far as I have been able to discover, simply upon oral tradition. Certainly M. de Montigny would have cited his documents, had any existed. "In the absence of proof," observes M. de Loménie, "it seems to us difficult to admit the exactitude of this grief. It is not easily reconciled with the general esteem of which the character of M. de Lambert was the object. We shall see, elsewhere, on different occasions, that inventions of every kind cost little to Mirabeau's unscrupulous conscience."² It is not safe, as a rule, to infer particular acts from a man's general character. The inferences may or may not be true. We know very little about the character of the Marquis de Lambert, and what we do know does not render the story impossible. The evidence upon which the story rests is, apparently, worth little. Mirabeau makes no mention of his colonel as a rival, nor does he make any specific charges against him. In a letter written to his mother the following year he referred to Lambert as "a colonel unworthy to command officers who are better than himself." He added: Lambert "has employed all possible methods to destroy me. He has not succeeded." The historian must pass over the charge against the Marquis de Lambert, not because it is difficult to reconcile with a character concerning which little is known, but because the proof is lacking.

There was, however, a love-affair, even if the colonel was not one of the lovers. The father had believed that the gambling debt was the cause of all the trouble. He later wrote to the bailli that investigation showed that "it was a promise of marriage and all the

¹ *Mémoire de Mirabeau*, I. 288, 289.

² Loménie, III. 31.

follies at one time."¹ There can be no doubt of this fact: we have Mirabeau's own word for it. In the letter to his mother already mentioned he referred to himself as "more unhappy than culpable," and added, "if I have sacrificed too much to love, I have given no cause for criticism as to the qualities of my heart and the knowledge relative to my profession." In the *Lettres de Vincennes*, in a *mémoire* addressed to his father, Mirabeau asked what he had done at this time that should have led his father to think of sending him to the Dutch colonies. His own answer was, "I had loved."² In another letter in the same collection he summoned his father to declare why he was detained on the Île de Ré: "Let him allege any other reason, if he can, than an intrigue with a woman that made him fear a union *mal assortie*."³

The Duc de Nivernois did not keep Mirabeau's secret. He communicated the news to the marquis; and the Comte du Saillant, Mirabeau's brother-in-law, was "put upon his trail" — to use the language of the marquis — "frightening him, drawing him on, and consigning him to the hotel de Nivernois, surrounding him with spies, and discovering that he was connected with a horde of brigands; his case won, he took him away by post, thirty-six hours later, to Saintes. There, in presence of the colonel, of the lieutenant-colonel, of his mentor, of Grévin, they made him confess at last, and they discovered that it is neither this nor that, it is a promise of marriage and all the follies at once. These worthy and zealous young men slip out and depart, and the Marquis de Lambert recovers his letters, comes back, and at once is taken ill, and I came very near losing this worthy young man who cherishes me and serves me like a son."⁴

In a second interview, according to the marquis, who obtained his information from Lambert, the colonel "had read to him (Mirabeau) one of his letters that had been intercepted and that might have ruined him, cast it into the fire, and asked if he believed that a man capable of depriving himself of such weapons was an enemy. This act produced a sudden change; he broke off at once all his liaisons, promised to submit to imprisonment as a favor, asked to have Grévin left with him, to be released only on the return of M. de Lambert, and to go back to his corps where he had so much to repair. The noble and sensible heart of M. de Lambert held out

¹ Correspondance Générale, V. 467. The marquis to the bailli, Bignon, August 24, 1768.

² *Lettres Originales de Mirabeau*, I. 296.

³ *Ibid.*, I. 189.

⁴ Correspondance Générale, V. 467. The marquis to the bailli, Bignon, August 24, 1768.

some hope to him. As for myself, I remarked to him (Lambert) that it was the displacement of the hammer of this fool from beneath the chime of the desperate prisoner and the passionate lover ; that we could draw no other advantage from it than to transfer him without a scandal injurious to his family."¹

Was it this intercepted letter that caused Mirabeau, fearing the action of his colonel and his father, to desert? The explanation is not an improbable one. It should be noted, however, that the real situation became known only after Mirabeau's return to Saintes, and that Lambert recovered the letters in the possession of the young lady only after the confession. The effect upon Mirabeau of Lambert's chivalrous action in burning the intercepted letter should not be overlooked. Mirabeau always claimed that his father had shown him little affection ; that he had tried to discipline him by rigorous measures when he might have led him by kindly treatment.² Undoubtedly the father was unsympathetic and unduly severe ; undoubtedly the boy was in need of sympathy and capable of attaching himself to those who loved him, but his intentions were always better than his deeds and he was always ready to condone his own faults.

The love-affair did not end here. "In 1770 Mirabeau was still in correspondence with the object of this first passion, through the medium of his sister, Madame de Cabris."³

The bailli was much incensed at the action of his nephew. "Your letter of the twenty-fourth of August, dear brother," he wrote, "filled me with consternation, informing me, as it did, of the new pranks of M. de Pierre-Buffière, and fortunately the little hint that you dropped before prepared me. But after having ruminated three days since the receipt of your letter upon the unique course to take, I see only one way. It is for you to decide, after a very detailed inspection of the case, whether you ought to follow this course, that is to say, if the excesses of this miserable being are such that he should be forever excluded from society, and in that case Holland is the best of all. You are certain of never seeing reappear on the horizon a wretched being, born to cause chagrin to his parents and shame to his race. It is, I say, for you, after the examination of his acts and deeds, to judge if the heart is rotten : if it is, there is no resource." Toward the close of the same letter he added, "I repeat to you, dear brother, this wretched being, if his heart is rot-

¹ *Mémoires de Mirabeau*, I. 299. The marquis to the Comte du Saillant, October 1, 1768.

² *Lettres Originales de Mirabeau*, I. 295.

³ Loménie, III. 34.

ten, is without hope and in that case I know of nothing better than Holland." ¹

It was not a *simple amourette*, as M. de Montigny has called it; ² it was the fear of a *mésalliance* on the part of the eldest son that appeared to enrage the uncle more than the father. It is not difficult to realize what the feelings of the bailli were, filled as he was with the pride of his race, when he learned of the narrow escape of the family from a disgrace like that formerly inflicted upon it by his younger brother. The more he dwelt upon it, the more serious it seemed and the more his anger increased.

"I assure you," answered the marquis, "that I agree with all that you have said to me, both for the present and the future. But these things are easier to plan than to execute, above all in the age in which we live and with a rogue who has all the intrigue of the devil and the intelligence of a demon. The Marquis de Lambert said to me the other day that he had divided the city and the province between reason and him, and that in spite of his odious character, he would have found in the city of Saintes 20,000 livres that are not there." ³

Before hearing his brother's suggestion, the marquis had acted, sending Mirabeau to the Île de Ré. "The bad subject is in prison," he announced in the same letter that informed the bailli of the escapade. "His brother-in-law, who has said so much in his behalf, is forced now to admit that a miracle will be necessary and that such as he is, he is a sewer. All this is shocking for the head, the stomach, and the purse of your elder brother, and as you could do nothing in the matter, it seemed better to say nothing at all to you about it; but it is difficult to silence the heart in the presence of those whom we love and esteem. As I have domestic dragons of different kinds, for the present I would not have said anything more about it to you, had I not feared from your letter that you would accuse me of reticence toward you." ⁴

¹ Correspondance Générale, V. 475, 476. The bailli to the marquis, Mirabeau, September 10, 1768. According to Mirabeau, his father assured him after their reconciliation in 1770 that in 1768 he had thought seriously of sending him to the Dutch colonies: "Qu'il me soit permis seulement de vous rappeler qu'après m'avoir reçu en grace, vous m'avez avoué dans une de vos lettres, que vous aviez été *au moment de m'envoyer aux colonies Hollandaises, lors de ma détention à l'île de Rhé*. Ce mot fit une profonde impression sur moi; il a prodigieusement influé sur le reste de ma vie: et voilà pourquoi je vous le rapelle. Daignez réfléchir, en y pensant, que vous êtes prompt à envisager les partis les plus violents. Qu'avais-je fait à dix-huit ans, pour que vous eussiez une telle idée qui me fait fremir encore aujourd'hui que je suis enseveli tout vivant dans un tombeau?" *Lettres Originales de Mirabeau*, I. 295, 296.

² *Mémoires de Mirabeau*, I. 289.

³ Correspondance Générale, V. 489. The marquis to the bailli, Fleury, Oct. 18, 1768.

⁴ *Ibid.*, V. 467. The marquis to the bailli, Bignon, August 24, 1768.

Reasoning from the fact that the *lettre de cachet* transferring Mirabeau to the Île de Ré was issued by the minister of war, M. de Choiseul, and not by M. de Saint-Florentin, the minister who issued letters for matters of family discipline, M. de Loménie infers that his imprisonment was a military punishment for his desertion.¹ It is possible, but it should be noticed that Choiseul would naturally deal with the matter because Mirabeau was an officer of the army, and also that the Marquis de Mirabeau evidently conducted the negotiations with the minister.

"I assume that he is caged now," wrote the marquis to his brother, September 21, 1768, "in the chateau of the Île de Ré and well recommended to the Bailli d'Aulan. This determination was necessary, the Marquis de Lambert not being able to keep him."² The colonel was eager to be rid of the troublesome lieutenant. "I have been occupied," wrote the marquis, "in appeasing the impatience of M. de Lambert, who, without taking distance into consideration, had hardly written to me before he was seriously disturbed at not seeing all that he asked of me arrive, nor any plan of agreement. As I had asked of M. de Choiseul that there should be as little scandal as possible, he proposed to me to send an order to M. de Pierre-Buffière to carry a letter to the Marechal de Senneterre at Rochelle, who at once would have him arrested and conducted to the Île de Ré."³ It was in this way, probably, that the first *lettre de cachet* was executed against Mirabeau, and he found himself a military prisoner in the citadel at St. Martin on the Île de Ré.

The Île de Ré, the scene of Mirabeau's first imprisonment, is a picturesque island off the harbor of Rochelle, some three miles from the mainland. Its length is some eighteen miles and its breadth three. The population to-day is nearly fifteen thousand, distributed among several towns. The largest is Saint-Martin de Ré with two thousand inhabitants. At the entrance to the harbor of Saint-Martin rise the outworks of the fortress to which Mirabeau was consigned. Although now used as a depot from which convicts are shipped to New Caledonia, the citadel has changed but little since the days when it was occupied by its most distinguished prisoner. The diminutive harbor with its fishing craft; the town with its quaint, antique streets shut in by stone houses whose white

¹ Loménie, III. 33.

² Correspondance Générale, V. 476. The marquis to the bailli, Fleury, September 21, 1768.

³ *Mémoires de Mirabeau*, I. 294. The marquis to the bailli, September 16, 1768. No letter of this date appears in the Correspondance Générale. There is a letter of the date of September 21, but it does not contain the quotations given by Montigny.

walls reflect the dazzling rays of the summer sun; the attractive old town square with its ancient trees; and, close by, the house formerly the home of the governor of the island, now occupied by the village school; beyond the town, the vine-covered fields; toward France, the waters of the Atlantic—these things to-day form a not unpleasant picture. It certainly was not a disagreeable place of exile, and in the mind of Mirabeau few unpleasant recollections were to be connected with it. The governor of the island, the Bailli d'Aulan, was not a harsh jailer, although the marquis had instructed him that the young man "was fiery, wrongheaded, and a liar by instinct."¹ The Comte de Broglie has called D'Aulan "the happy king of the Île de Ré, the happiest region of France." He was a *grand-croix*, commander of the temple of Agen, *maréchal de camp* of the armies of the king, and "the delight of the island." With his six feet of stature and his distinguished face, the Bailli d'Aulan was a worthy representative of the king.²

It is not probable that Mirabeau was closely confined in the citadel. Local tradition points to a room in the vicinity of the chapel as the one that he occupied,³ but he soon won the favor of the governor, and went and came much as he pleased. Although Gérvin remained with him, the surveillance did not prevent Mirabeau from contracting debts nor even from corresponding with his mother, from whom he received financial aid.⁴ All this was a violation of the marquis's orders, but the son, as the father expressed it, "had bewitched the Bailli d'Aulan—who contrary to my orders allows him

¹ Loménie, III. 35.

² The local histories of the island contain notes upon D'Aulan. It is from one of these by M. Théodore Phelippot that I gathered the data upon D'Aulan found in the text. The hospital of Saint-Honoré at Saint-Martin possesses a rather striking portrait of the bailli, which the sisters were kind enough to show to me. It is the face of a man of abundant good-nature and one not likely to prove a harsh jailer. The marquis wrote of him: "La réputation du Bailli d'Aulan est excellent; c'est encore un nouveau témoin que je me procure et un nouveau appui de décision dans tous les cas." Correspondance Générale, V. 476. The marquis to the bailli, Fleury, September 21, 1768.

³ The search for material both at Saintes and at Saint-Martin was disappointing. The local archives in both of these places had been destroyed by fire a short time before my visit. From Dr. Kemmerer, a resident of Saint-Martin and one of the historians of the island, I learned that Mirabeau, according to tradition, occupied a room in the citadel next to the chapel, but as there were three equally near the chapel the information was not very definite. The only change in the citadel, I was told, had been the construction of an inner wall between the main entrance and the chapel. The building that Mirabeau is supposed to have occupied is of stone, one story in height, with rooms not at all unattractive. It was from the lips of an American that the commandant of the place learned for the first time that Mirabeau had once been a prisoner in the citadel. I had a similar experience with the commandant of the Fort de Joux on the eastern frontier.

⁴ Manuscript of M. Mouttet, *Mirabeau en Provence*, 24-26: "Je compte, ma chère Maman, sur le petit secours pécuniaire que vous me promettez, le nouveau m'est nécessaire pour des dettes urgentes et forcées que j'ai faites dans ce pays-ci."

to promenade in the citadel —, my friends, and everybody.”¹ He was not only permitted to promenade in the citadel, but even “to go to the city (Saint-Martin or Rochelle) to dine in style.”² The bailli was not the only one that Mirabeau bewitched. A certain Chevalier Bréchant received the letters from his mother, and Mademoiselle de Malmont, the sister of the lieutenant of the citadel, performed a like service for him.³

Mirabeau remained seven months on the Île de Ré. At the end of six months the marquis realized that it would be difficult to prolong the imprisonment. “The fact is,” he wrote to the bailli on the fifteenth of February, 1769, “that it is necessary to end this affair; that I do not know how to keep his eldest brother in cage later than the spring; that he asks to go to Corsica and interests the Bailli d’Aulan and my friends and Grévin in this request. I know well that, once free, he will end in having himself locked up for good before three months have passed; but the theater of his follies is his passage through Provence.”⁴ On the twenty-seventh of the same month the marquis had decided to grant his son’s request and to allow him to join the expedition against Corsica. “What you tell me, however,” ran the letter, “causes me to decide upon my course. I cannot keep M. de Pierre-Buffière any longer in cage and I cannot miss the occasion offered by Corsica; so be assured that next month he will pass through Provence, but so carefully guarded and so rapidly that you will not even hear of it.”⁵

A few days later the news of the decision had reached Mirabeau. On the fifth of March, 1769, he wrote to his mother: “My affairs have taken a more favorable turn; the Bailli d’Aulan, governor of the Île de Ré, is soliciting the revocation of my *lettre de cachet* and it appears to be decided that I shall go to Corsica in a short time.”⁶ The Bailli d’Aulan interested himself in securing the release of his prisoner, but the important party in the transaction was the father. This is demonstrated by an official document bearing the date of March 13, 1769. “The twentieth of April, 1768,” states the record, “the son of M. le Marquis de Mirabeau obtained the rank of

¹ *Mémoires de Mirabeau*, I. 300. The marquis to the bailli. M. de Montigny refers to a letter of February 15, 1769, for this quotation; but this letter, found in the collection that I have used, contains no such matter. The manner in which M. de Montigny manipulates his quotations and confuses dates in his foot-notes is inconceivable by any one that has not attempted to control his work by a comparison with the material that he used.

² Loménie, III. 35, quoted from a letter of the marquis of January 1, 1769.

³ Mouttet, *Mirabeau en Provence*, 24-26.

⁴ Correspondance Générale, VI. 65, 66. The marquis to the bailli, Paris, February 15, 1769.

⁵ *Ibid.*, VI. 72. The marquis to the bailli, Paris, February 27, 1769.

⁶ Mouttet, *Mirabeau en Provence*, 24-26.

second lieutenant in the cavalry regiment of Berri. He had served in this regiment a year as a volunteer. He has been detained since the past year in the citadel of Ré for misconduct. M. le Marquis de Mirabeau observes that his son has urgently requested permission to take part in the campaign against Corsica, and that M. de Viomenil is willing to take charge of him and send him under fire. He requests that he be attached as second lieutenant of infantry to the legion of Lorraine. He desired that Monseigneur would kindly grant to him some appointments; he leaves that matter to his sense of justice; he observes that his son has served for three years without having any.¹ In order that his son may join the legion of Lorraine, he asks that the revocation of the *lettre de cachet* that detains him in the citadel of Ré be sent to M. le Chevalier d'Aulan."

It follows from this document that Mirabeau was imprisoned for misconduct, and was released at the request of his father. On the very day when this record was made the marquis announced that "the orders for his liberation have been sent,"² indicating that he was in close touch with all that was taking place. Hoping little good from this latest experiment, the marquis, as usual, endeavored through repression to diminish the evil consequences of it.

On the thirteenth of March the orders for Mirabeau's release had been given and his route across France had been decided upon. On the fourth of April, at the latest, he was to join the legion of Lorraine at the Pont St. Esprit. He was to serve in the infantry. "The Baron de Viomenil, colonel of this legion," wrote the marquis, "has been represented to me as just the man that he needs, and that service also for his fiery spirit, which imagines that it will devour everything, but which will devour nothing but a plentiful supply of saber strokes, if he has the nerve to face them. He has been recommended to everybody, and I had an opportunity to discover how people like to compliment those who are in trouble. M. de Vaux himself said to me that they would hang him at public cost if he proved unworthy of his father, but that otherwise he would be favored by everybody. He is going then with Grévin. He has orders to remain incognito until he has embarked; I assure you that that is very important, for he could not exist twenty-four hours without getting into some kind of a scrape and replying to an act of politeness with an insult."³ The bailli replied that if M. de Pierre-Buffière passed that way and called upon him, he would re-

¹ *La Révolution Française*, XXIX. 259.

² Correspondance Générale, VI. 80, 81. The marquis to the bailli, Paris, March 13, 1769.

³ *Ibid.*

ceive him,¹ but the marquis assured his brother that he had given orders to the best of his ability that his son should pass incognito, "and surely," he added, "he will not go to see you at Mirabeau."²

Events seem to have justified the preventive measures taken by the marquis. Drawing his information from Grévin, who accompanied his son, he described the passage of the young man from Rochelle to Toulon in most vigorous language: "This miserable Pierre-Buffière left the Île de Ré a hundred times worse than he entered it, not on account of his comrades, but because of the lapse of his own folly. He fought at Rochelle, where he remained only two hours. I have had news from poor Grévin from Saint-Jean-d'Angely and from Puy. He says that he goes cursing, striking, wounding, and vomiting a rascality that has no equal."³ M. de Montigny, citing a letter of Mirabeau to his brother-in-law, M. du Saillant, asserts that in the duel fought at Rochelle Mirabeau was not the aggressor. An officer, dismissed in disgrace from his regiment, with whom Mirabeau refused to associate, was the real cause of the trouble.⁴

The soul of the marquis was disturbed more, perhaps, by the debts that his son contracted than by his escapades. "Without paying for his pranks and a multitude of notes," he wrote, "he has devoured more than ten thousand livres in the last eight months, and the most of that time he has been in prison. . . . The villainous notes of that man terribly wound my soul, although well prepared and accustomed to vomit him up. . . . He has, in addition to his other good qualities, that of borrowing from all hands: sergeants, soldiers, all are the same to him."⁵

"After a painful journey, and even a perilous one in the mountains of Auvergne and Vivarais, which he was obliged to cross in snow twelve feet deep," Mirabeau finally reached Toulon and embarked on the eighteenth of April for Corsica.⁶ To be rid, for some time at least, "of an odious generation that keeps me without ceasing with a sword above my head and coals under my feet,"⁷ was a

¹ *Ibid.*, VI. 83. The bailli to the marquis, Mirabeau, March 7, 1769.

² *Ibid.*, VI. 83. The marquis to the bailli, Paris, March 20, 1769.

³ *Ibid.*, VI. 100. The marquis to the bailli, Paris, April 10, 1769.

⁴ *Mémoires de Mirabeau*, I. 302. M. de Pierre-Buffière to the Comte du Saillant, March 20, 1769.

⁵ Correspondance Générale, VI. 100. The marquis to the bailli, Paris, April 10, 1769.

⁶ *Ibid.* For the passage through the mountains see Montigny, *Mémoires de Mirabeau*, I. 303, who cites a letter of the marquis to the bailli of April 22, 1769. No letter of that date is to be found in the collected correspondence.

⁷ Correspondance Générale, VI. 100. The marquis to the bailli, Paris, April 10, 1769.

great relief to the marquis. Grévin returned to Paris by way of Mirabeau and remained for some time with the bailli, who thus had an opportunity to study the man that had acted as a mentor to his nephew. He "does not appear to me to be very admirable," was the opinion that he expressed to his brother.¹ The marquis himself referred to him as "jealous by nature,"² and on another occasion he criticized him for not maintaining a stricter surveillance over his son at Saintes and on the Île de Ré.³

The Corsican campaign was not of long duration. Mirabeau landed the last of April, 1769, and the fighting was over in June. Although he saw little active service, he proved that he had a real genius for war and was a worthy descendant of Jean-Antoine. He won the good opinion of his superior officers and the affection of his associates. The major of the legion, the Chevalier de Villerau, declared some years later that "he had never known a man with greater talents than the Comte de Mirabeau for the profession of arms, if time had rendered him discreet."⁴ Mirabeau wrote in later years that this man "loved me much and declared that I was a great officer in embryo."⁵

Here for the first time he displayed the talent for hard work and the determination to master the thing in hand that were so characteristic of the man. "What I am most of all," he once wrote to his sister, "or I am much deceived, is a man of war, because there alone I am cool, calm, gay without impetuosity, and I feel myself grow in stature."⁶ He has himself described his enthusiasm for his profession and his efforts to master its minute details: "Reared in the prejudice of the service, fired with ambition, and avaricious for glory, robust, audacious, ardent, and yet very phlegmatic,⁷ as I proved myself in all the dangers that I encountered, having received from nature an excellent and rapid *coup d'œil*, I had reason to believe myself born for the service. All my

¹ *Ibid.*, VI. 209. The bailli to the marquis, Mirabeau, September 23, 1769: "Mais l'homme à qui tu l'avais confié et qui a passé ici quelque temps ne m'a pas paru bien admirable."

² *Ibid.*, VI. 139. The marquis to the bailli, Paris, May 30, 1769.

³ "Grévin et puis tous les supérieurs de ce misérable ont laissé aller beau par le plus bas de manière." *Ibid.*, VI. 146. The marquis to the bailli, Paris, June 14, 1769.

⁴ Loménie, III. 38. The remark was made in 1787 and quoted in a letter of the marquis.

⁵ *Lettres Originales de Mirabeau*, I. 162.

⁶ *Mémoires de Mirabeau*, I. 329. Mirabeau to Madame du Saillant, September 11, 1780.

⁷ *Lettres Originales de Mirabeau*, II. 258: "Si moi, qui te parle, me sens bien la force d'en renverser quelques bataillons en sifflant dessus, c'est que la vie dure que j'ai menée, et les exercices violents que j'ai aimés (nager, chasser, escrimer, jouer à la paume, courir à cheval) ont réparé les innombrables sottises de mon éducation."

views 'had' then, been turned in this direction, and although my mind, famished for every kind of knowledge, was interested in all sorts of things,¹ five years of my life were devoted almost exclusively to military studies; there is not a book on war in any language living or dead that I have not read; I can show extracts from three hundred military writers, extracts studied, compared, and annotated, and memoirs that I wrote upon all parts of the profession from the greatest objects of war to the details of engineering, of artillery, and even of the commissariat."²

In the period between the close of the campaign and his return to France Mirabeau was engaged in making a study of the island, its inhabitants, manners and customs, and history. "He perceived everywhere the traces of the devastations of the Genoese, the vestiges of their crimes; and by this mark of despotism he recognized his enemy. His heart, palpitating with indignation, could not contain itself; his imagination, filled with ideas, flowed over. He wrote; he traced a rapid sketch of the Corsicans and of the crimes of the Genoese. This work was taken from him by his father; it was very incorrect, without doubt, but full of animation, of truth, of ideas, and of facts carefully observed in a country of which no correct notion had been given, because mercenary writers or fanatic enthusiasts had alone undertaken to speak of it."³ The history dealt chiefly with the forty years previous to the French occupation of the island. He had also prepared a description of the island, which he had studied "foot by foot," "with all possible political, economic, and historical details."⁴ The history, he claimed, was prepared at the instigation of Buttafuoco.⁵ "He took possession of the Corsicans, he had all their papers."⁶ Mirabeau declared while at Vincennes that the "deputies of the three estates of Corsica" besought his father to allow the work to be printed, but the marquis refused.⁷ This statement should be confronted by the charge made by the marquis that his son "seduced a man in order to get possession of

¹ Mirabeau had been an omnivorous reader from his childhood up. He was, according to M. de Montigny, "dès l'âge de quatre ans . . . avide de lectures. Il s'emparait de tous les papiers qui lui tombaient sous la main." *Mémoires de Mirabeau*, I. 243. Mirabeau himself refers to his fondness for books while at school in Paris: "Il empruntait toutes sortes de livres, les lisait sans méthode et sans autre objet que celui d'assouvir son insatiable soif de savoir." *Essai sur le Despotisme*, xix.

² *Lettres Originales de Mirabeau*, III. 21.

³ *Essai sur le Despotisme*, xxi.; *Lettres Originales de Mirabeau*, I. 190.

⁴ *Mémoires de Mirabeau*, I. 317.

⁵ Correspondance Générale, VI. 330. The bailli to the marquis, Aix, May 21, 1770; *Ibid.*, VI. 375-380. The bailli to the marquis, Aix, August 23, 1770.

⁶ *Mémoires de Mirabeau*, I. 316. The marquis to the Comte du Saillant, May 14, 1770.

⁷ *Lettres Originales de Mirabeau*, III. 173.

memoirs that a priest of the country had made ; he promised this man to pay him well and to return the memoirs. This man wrote a complaint to the late M. Gerardi, officer in the regiment Royal-Italian, who informed the Duc de Nivernois."¹

From evidence such as this it is impossible to get at the truth of the affair. Mirabeau undoubtedly made a study of the island and its people, even if the motives for doing so were not those given by him in later years. It is not inherently impossible that he procured material in the way indicated by his father, for it is in keeping with methods employed by him throughout his later life, but it would be unscientific to state as a fact a thing that rested on a scrap of third-hand evidence. The matter of first importance is, however, the early development of the inquisitive spirit that never allowed him to rest ; that made a great questioner of him, a laborious student, and an untiring investigator. It was no accident that made Mirabeau a leader in the National Assembly ; he had prepared himself for leadership by twenty-five years of severe mental effort such as few men are capable of.

To make the Corsican episode typical, not even a love-affair was lacking. From Vincennes he wrote of this early love to a woman whose name has become inseparably associated with his. "Yes, madame, yes," he wrote to Sophie de Monnier, "Maria Angela is a very pretty name ; and when I was jealous of some one (a thing that did not often happen, for I was very lukewarm) she addressed injurious remarks to him, or struck him, or as an honest Italian she gravely proposed to me to poniard him." We might have known more of this affair but for the well-meaning censorship of M. de Montigny. He declined to dwell upon Mirabeau's gallantries in the island, "of which, happily, he has made public only a brief and succinct mention. Not that we have not had in our possession long details, written by himself, of a very spirituelle originality ; but we at first put them aside and afterward destroyed them, because, as we were determined to keep within the bounds of the respect which is due to our subject and our age, to the public, and to history, we would add nothing to the facts, and above all to the suppositions of this kind, which are already to too great an extent attached to the name of Mirabeau."² M. de Montigny undoubtedly had a right to destroy his property if he wished to ; moreover, the attitude of the historian toward his subject will always differ from that of a son toward his adopted father. The dictates of science are not always to be reconciled with the dictates of affection.

¹ Loménie, III. 38, note 2.

² *Mémoires de Mirabeau*, I. 312.

Mirabeau was absent from France a little more than a year. During this time he is seldom mentioned in the correspondence between the brothers. The marquis was arranging a marriage for his daughter Louise at the time of Mirabeau's departure, and hoped to carry the thing to a successful conclusion, "provided," he wrote to the bailli, "this unhappy fool in Corsica, who devours me, will let me get my breath."¹ He sometimes regretted the loss of his first-born son, "If providence," he exclaimed, "had intended to grant me a period of repose at a reasonable age, it would have left me the son that it gave me twenty-five years ago. The one (Boniface) who is now our only hope, is only fourteen and more of a child than one is at three."²

The bailli had held numerous conversations with Grévin about his nephew and had reached conclusions that were not so pessimistic as those of his brother. "From what Grévin has said to me in several conversations about M. de Pierre-Buffière," he wrote to the marquis, "I do not see that there is anything desperate yet about his case. Perhaps age and reason will straighten it all out. I do not hope that he will ever be a man worthy of you on the side of the heart, but an ordinary man. It is bad enough to place at that notch our denomination that has never been there, but what is to be done about it?"³ The marquis replied by criticizing "Grévin and all the superiors of this miserable fellow" for letting him have his own way.⁴ He never doubted that the failure of his training was due to the inborn badness of his son or the incapacity of his teachers and superiors. As hopeless as the task seemed to be, he must do his duty that he might be without reproach. "As long as I shall live," he wrote in June, 1769, "it will be my duty to follow and to assure the lot of my children and of our house. If I can save this unhappy eldest, I have told you that I would part with the one who is after my own heart and I would give him to you. At fifty, you will have begun the profession of father of a family. . . . But, finally, you will see Boniface⁵ this autumn; everything is as yet in the shell, he is nothing. It is necessary to finish his education. We must wait for the other, who would get away from the devil and who has a dozen of them in his body, must keep an eye on him and restrain

¹ Correspondance Générale, VI. 115. The marquis to the bailli, Paris, April 28, 1769.

² *Ibid.*, VI. 130. The marquis to the bailli, Paris, May 18, 1769.

³ *Ibid.*, VI. The bailli to the marquis, Mirabeau, June 2, 1769.

⁴ *Ibid.*, VI. 148. The marquis to the bailli, Paris, June 14, 1769.

⁵ Almost without exception he refers to the younger son as Boniface; the older boy is never called by his name, but is always referred to as "the eldest," "that miserable being," "that unhappy fool," etc.

him, and be sure that the people of this age have only cold praise for honesty in retirement. *I was very much devoted to your father.* I have received so much of that. A well-born child can get on without control, but a slippery subject is not held in check at a distance, when he fears only letters and disapprobation, and he certainly has more people like himself in places of power and credit than his father has."¹

The marquis had evidently found the youth that "could get away from the devil and had a dozen of them in his body" an extraordinary child, even if extraordinarily bad and exceedingly difficult to control. The term "honesty in retirement" refers to the marquis, whose talents were not sufficiently appreciated by the government. The closing expressions of the letter would seem to indicate that the marquis already foresaw the part that public officials might take in the troubles between himself and his son. At Paris, at Saintes, and on the Île de Ré, Mirabeau had given proof of a remarkable power of winning those with whom he came in contact. The fear that the marquis here expressed casts a curious light upon his attitude toward his son. The attitude is certainly not a fair one. The assumption always was that the boy never could amount to anything. In August of this year, while Mirabeau was in Corsica, the marquis represented that his son-in-law, Du Saillant, was pleading in behalf of the absent son. "He does not cease to beg of me," wrote the marquis, "that in case he [Mirabeau] is finally condemned where he is, I should leave him to him [Du Saillant] for a year before shutting him up for good."² At this time nothing had been heard from Corsica. In September the marquis had heard nothing later than the news that Viomenil had embarked, and as no news is good news, he was happy. "I never wake up a sleeping cat,"³ was his concluding observation.⁴

FRED MORROW FLING.

¹ *Ibid.*, VI. 156, 157. The marquis to the bailli, Fleury, June 19, 1769.

² *Ibid.*, VI. 178. The marquis to the bailli, Fleury, August 15, 1769.

³ *Ibid.*, VI. 191. The marquis to the bailli, Fleury, September 5, 1769.

⁴ The most complete accounts of this period of Mirabeau's life that have hitherto appeared are by Montigny, *Mémoires de Mirabeau* (8 vols., Paris, 1834, 1835), I. 274-317; Loménie, *Les Mirabeau* (5 vols., Paris, 1879-1891), III. 20-38; and Guibal, *Mirabeau et la Provence* (2 vols., Paris, 1887-1901), I. (edition of 1901), 72-81.

ST. EUSTATIUS IN THE AMERICAN REVOLUTION¹

SOME islands are, because of their geographical situation, destined by nature to be permanently the home of extensive commerce. Such are Manhattan, Hong Kong, and Singapore. Others are so placed that political circumstances may for a brief period, or during the continuance of a particular war, elevate them into sudden commercial greatness and give them a short but picturesque career of prosperity, while ill winds blow on harbors usually more favored. A familiar example is that of Nassau during the American Civil War. But seldom has an island port had a more meteoric career, or shown a more striking contrast between insignificance in time of peace and resounding prosperity in war-time, than that presented by the little volcanic island of St. Eustatius. Its tale is worth telling, partly on this account, partly on account of the close association of its fortunes with those of the American Revolutionary War, and the important part which it played in enabling our forefathers to sustain that difficult and unequal struggle.

St. Eustatius is a small rocky island near the northeast corner of the West Indian chain. It is neither large nor fertile. Its area is less than seven square miles; and at the time of the Revolution it did not produce more than six hundred barrels of sugar a year.² It had but one landing-place, and its fortifications had never been important. But its relative position was such as to give it, in the hands of the Dutch, exceptional advantages. The ancient British colony of St. Christopher lay but some eight miles to the southeast. Northward, a few miles farther away, lay the French island of St. Bartholomew. St. Croix, a Danish island to the westward, was but little more remote; and beyond, at no great distance, lay St. Thomas and the Spanish colony of Porto Rico, while beyond St. Christopher, to the southeastward, lay intermingled the rich islands belonging to England and to France — Antigua, Guadeloupe, Dominica, Martinique, Barbados, St. Lucia, St. Vincent, Grenada, Tobago. Under the old system of colonial management, typified by the Navigation Acts, each country persisted in the endeavor to monopolize to itself the commerce of its colonies, whether continental or insular. But the Dutch had early been converted to the princi-

¹ A lecture delivered at the Naval War College, Newport, in August, 1902.

² *Gazette de Leyde*, April 6, 1781, p. 7.

ples of colonial free trade. Accordingly St. Eustatius, a free port belonging to a highly commercial nation and set in the midst of English, French, Danish, and Spanish colonies, then rich and prosperous, but managed on the restrictive system which prevailed before Adam Smith, had even in times of peace the opportunity to become an important mart of trade.

When war prevailed between England and France or Spain, and the prohibitions of mutual intercourse between the islands were enforced by vigilant cruisers and eager privateers, the neutral trade of St. Eustatius flourished still more, and drew in a far larger population than that of peaceful days.¹ There can be no better description of its rise than that which Burke gave in the House of Commons.² The island, he said, "was different from all others. It seemed to have been shot up from the ocean by some convulsion; the chimney of a volcano, rocky and barren. It had no produce. . . It seemed to be but a late production of nature, a sort of *lusus naturae*, hastily framed, neither shapen nor organized, and differing in qualities from all other. Its proprietors had, in the spirit of commerce, made it an emporium for all the world; a mart, a magazine for all the nations of the earth. It had no fortifications for its defence; no garrison, no martial spirit, nor military regulations. Its inhabitants were a mixed body of all nations and climates; not reduced to any species of military duty or military discipline. Its utility was its defence. The universality of its use, the constant neutrality of its nature, which made it advantageous to all the nations of the world, was its security and its safeguard. It had risen, like another Tyre, upon the waves, to communicate to all countries and climates the conveniences and the necessities of life. Its wealth was prodigious, arising from its industry, and the nature of its commerce."

But Burke's remarks, in this speech of 1781, are obviously based partly on the experience of the war then in progress, and have led us into a little anticipation. Let us go back to the beginning of the war, and especially to the days before the French alliance, when as yet the contest was merely one between Great Britain and her revolted colonies and had not widened into a European war. On the whole the best source for a knowledge of doings at St. Eustatius during those early days is the correspondence of Sir Joseph Yorke, British ambassador at The Hague, with the secretaries of state and other officials in London. A large mass of copies from

¹ An anonymous pamphlet of 1778 (whose title I have mislaid) states the agricultural population as 120 whites and 1200 blacks. See also Lord Shelburne's remarks, in Hansard, XXI. 1028.

² Hansard, XXII. 220, 221.

that correspondence is to be found among the manuscripts of President Sparks in the library of Harvard University,¹ and another among the papers of George Bancroft at the Lenox Library. Yorke, who had represented his country in the Netherlands ever since 1751, seems to have had most ample means of secret information as to the doings of Dutch traders. His letters, when combined with such materials as we may obtain from other sources, afford a striking picture of the use made of St. Eustatius by the Americans, and must, I think, convince us that the island played a far greater part in the economy of the Revolution than most persons suppose.

In the first place, the war, and the non-importation agreements which preceded it, had cut off at one blow the supply of British manufactures to the American colonies. It was true that the native American inventiveness would in time supply their place. The mute inglorious "hired man," who could do anything with a jack-knife, the versatile Jonas of Mr. Abbott's fancy, would blossom forth as the Yankee inventor. But this would take time; and in the meanwhile it was very convenient to have in the neutral islands of the West Indies a means of temporary supply and a market for American exports. The trade ventures of states as well as of individuals were often carried on in this way. As early as March, 1776, we find Abraham van Bibber agent of the state of Maryland at St. Eustatius, taking care of cargoes sent or underwritten by the state. In the archives of Virginia there are letters from him, addressed to the Virginia committee of safety. In June of the same year Van Bibber of St. Eustatius and Richard Harrison of Martinique announce that they have formed a copartnership, and solicit from the Virginia committee a portion of their custom.²

After France entered into the war, French carriers and French islands like Martinique became ineligible, and the position of the Dutch neutrals became doubly profitable.³ Merchants of the neighboring British islands tried to keep their goods safe in case of French attack by storing them on St. Eustatius.⁴ John Adams, writing to the president of Congress in 1779, after his return from his first mission to Europe, mentions the growing trade through that island as a reason which may justify the attempt to cultivate closer diplomatic relations with the republic of the United Nether-

¹ Sparks MSS., LXXII.

² *Maryland Archives*, XI. 266, 442, 443, 494, 501, 555; Force, *American Archives*, fourth ser., VI. 905; MS. letters of March 11, 23, 28, June 14, July 25, August 15, 1776, in the Virginia archives.

³ Mr. H. T. Colenbrander, *De Patriottentijd*, I. 114, says that the activity of the Dutch trade to the western world was suddenly doubled by the American Revolution.

⁴ Hannav, *Admiral Rodney*, 152.

lands, relations which he afterwards did so much to promote.¹ The close diplomatic intimacy between Great Britain and Portugal enabled British armed vessels, secure of a shelter in the ports of the latter country, to cruise off the Azores and in other situations well adapted for checking the voyages of French and Spanish vessels to the West Indies;² which of course threw West Indian commerce more and more into the hands of the Dutch and of St. Eustatius. A Dutch rear-admiral, who spent thirteen months there in 1778-1779, reports that 3,182 vessels sailed from the island during the time of his stay.³ A careful English observer declared that in 1779 some 12,000 hogsheads of tobacco and 1,500,000 ounces of indigo came to it from North America, to be exchanged against naval supplies and other goods from Europe.⁴ British traders, too, under the guise of voyages to St. Christopher, embarked in ventures to the neighboring Dutch emporium, careful however to take out separate policies of insurance on the two voyages from England to St. Christopher and from thence to St. Eustatius.⁵ Indeed, in 1780 an act was passed encouraging in some particulars the trade with the neutral islands,⁶ though of course not purporting to countenance in any way the trade thence to the revolted colonies.

Many passages in the diplomatic history of our Revolution show that St. Eustatius was one of the chief, and at times the quickest and safest, means of communication between our representatives abroad and the Continental Congress and its officials at home.⁷ An informant of Lord Suffolk at Rotterdam tells him in March, 1777, that Messrs. Willing and Morris of Philadelphia have written to a Rotterdam merchant, their correspondent, that he can write by way of St. Eustatius, as they will henceforth have regular means of intercourse with that island, while a letter of June succeeding shows that at that time there had for a long while been no direct communication between the United Provinces and the United States.⁸

But such shifting of trade routes is a part of the ordinary fortunes of war. The enrichment of the Dutch West Indies would

¹ *Works*, VII. 104.

² John Jay, in Wharton, *Diplomatic Correspondence*, III. 717, 718.

³ From the journal of Count Lodewijk van Bylandt; J. C. de Jonge, *Geschiedenis van het Nederlandsche Zeewezen*, IV. 384.

⁴ *Nieuwe Nederlandsche Jaerboeken*, 1781, p. 794.

⁵ *Authentic Rebel Papers seized at St. Eustatius*, London, 1781, p. 15.

⁶ Hansard, XXII. 232. The reference is to the Tobacco Act, 20 Geo. III., c. 39.

⁷ *Rev. Dipl. Corr.*, III. 38, 193, 199, 433 (Lovell, Franklin, Jay, 1779); *Annual Register*, 1781, p. 259 (a letter of John Adams, 1780, intercepted near St. Eustatius, also printed in *Rev. Dipl. Corr.*, IV. 193); *ibid.*, IV. 624, 779 (John Adams, 1781, relating to a portion of his correspondence captured when Rodney took the island); *Corr. of the late President Adams*, 258; *Works of John Adams*, VII. 510 (1782).

⁸ Yorke Papers, in Sparks MSS., LXXII., March 21, June 17, 1777.

not necessarily have been a great grievance to the British mind. What excited the English administration to a violent pitch of resentment against St. Eustatius was the fact that it was made the means of an enormous export of military supplies to the American armies, and later of naval supplies to the maritime forces arrayed against England in the Caribbean. It was true that, as early as March 20, 1775, the States General of the United Netherlands, at Yorke's instance, had issued a proclamation,¹ following upon the British Orders in Council of the preceding October,² forbidding the exportation of warlike stores or ammunition to the British colonies in America, or to any place without permission of one of the Colleges of Admiralty. But even before the earlier, or British, prohibition, and before the meeting of the first Continental Congress, the movement had begun.³ By the end of the year 1774 it was noted that there had lately been a prodigious increase in the trade from St. Eustatius.⁴ Two Boston agents were in Amsterdam all that winter buying gunpowder and stores.⁵ After the issue of the Dutch prohibition, Yorke's correspondence shows how early and how constantly it was evaded. The States General and the Council of State had issued it, but the "admiralties," who should have executed it, were not too vigilant.⁶ It is familiar to what straits the Continental army was often reduced for want of gunpowder, and how Congress, in October, 1775, recommended the assemblies and conventions of the states to export provisions to the foreign West Indies in order to get arms and ammunition.⁷

Early in March, 1776, a merchant at Campveere writes Yorke that a favorite way in which to take ammunition to the Americans is to load for the coast of Africa but then go to St. Eustatius, where, says he, "their cargoes, being the most proper assortments, are instantly bought up by the American agents."⁸ Yorke writes to Lord Suffolk, the secretary of state, later in the same month, that

¹ Colenbrander, *De Patriottentijd*, I. 115; *Groot Placcaet Boeck*, IX. 107. The prohibition was for six months; August 18 it was extended for a year. There are translations of these, and of a similar decree of the King of Denmark, in Force, fourth ser., II. 277; III. 156, 942.

² Force, *American Archives*, fourth ser., I. 881; for six months, extended in April, 1775, *ibid.*, II. 277.

³ Yorke to Suffolk, August 5, 26, 1774 (Bancroft MSS.); Dartmouth to Colden, September 7, *N. Y. Col. Docs.*, VIII. 487.

⁴ Yorke to Suffolk, December 30, 1774 (Bancroft MSS.).

⁵ Pearson to Stephens, April 8, 1775, Yorke Papers, *ibid.*

⁶ See also *Hist. MSS. Comm. Reports*, XIV. 10: 334; *Md. Archives*, XI. 156; *Remembrancer*, 1776, II. 32; Colenbrander, I. 115.

⁷ E. g., Washington's *Writings*, ed. Ford, III. 387, 430. *Journals of Congress*, I. 158.

⁸ Yorke Corr., Sparks MSS., March 6, 1776.

the high price of powder is proving a great temptation to the Dutch merchants. Two ships loaded with it were now in the Texel. They were bound for St. Eustatius and were within the letter of the law, but as they sailed for the house of Crommelin, who had been great traders to North America, he has no doubt of their destination, and urges the secretary of state to see to it that a close watch for these contraband cargoes be kept in the West Indies.¹ In April the profit on gunpowder at the island is reported as one hundred and twenty per cent.² Lord Suffolk writes to the ambassador that Isaac van Dam, a merchant of the island, is the principal agent of correspondence with the rebels, and that recently, having procured from a trader in Martinique and from a smuggling vessel belonging to Antigua more than 4,000 pounds of powder, he had forwarded it to North Carolina in a Virginian vessel. Afterward he had sent £2,000 to France to buy more powder, to be sent out to North America by way of his island. A little later Van Dam is reported as having said, before his death, that he had carried on this trade on behalf of Frenchmen.³ The Rotterdam merchant already mentioned reports to Lord Suffolk that the last powder sent out, though it cost in Holland but forty or forty-two florins a hundredweight, brought 240 florins a hundredweight at the island; that it is sent disguised in tea-chests, rice barrels, and the like; and that, according to what he hears, eighteen Dutch ships had already gone out this year (this was in May) with powder and ammunition for the American market.⁴ Harrison sends 6,000 pounds from Martinique, and then slips over to St. Eustatius and sends 14,100 pounds more. Ten thousand pounds go to Charleston, ten thousand more to Philadelphia.⁵ Later a single vessel is reported as taking out 49,000 pounds.⁶

Evidently no inconsiderable portion of the powder which the American army shot away, to more or less purpose, in this memorable year 1776, came into its hands in the devious way which has been indicated. In short, Yorke writes to William Eden in this same month of May, St. Eustatius is the rendezvous of everything and everybody meant to be clandestinely conveyed to America. It is easy to get oneself carried thither, and military adventurers of all nations have congregated at the island.⁷ He also mentions

¹ *Ibid.*, March 22, 1776.

² *Ibid.*, April 22.

³ *Ibid.* (and Bancroft MSS.), April 12, May 31.

⁴ *Ibid.*, May 14.

⁵ *Md. Archives*, XI. 494; XII. 171, 268, 332, 423; Force, *Archives*, fourth ser.,

VI. 612, 905; fifth ser., I. 1025; II. 965; III. 513.

⁶ Yorke Corr., Sparks and Bancroft MSS., August 2, 1776.

⁷ *Ibid.*, May 14, 1776; *Md. Archives*, XII. 236; Stevens's *Facsimiles*, No. 183.

that Dr. Hugh Williamson, who had won his degree at Utrecht and was noted afterward as a member of Congress, has lately been in The Hague, inquiring as to the best means of sending goods to that favored mart.¹ Recent orders from Bordeaux for powder seemed to indicate that means had been found to elude the French ordinances on the subject, as well as those of the Dutch. But Holland, and especially Amsterdam, remained after all the chief source of supply.²

It is not to be supposed that the ambassador permitted these underhand dealings to pass unchallenged. Besides urging increased activity on the part of English cruisers (who, to say truth, were already abundantly aggressive),³ he elicited from the States General's committee of foreign affairs resolutions condemning such traffic, and remonstrated warmly to the pensionary of Holland, who he thought would do all he could.⁴ But the constitution of the Dutch Republic was incredibly complicated, and its system of legislation and execution was so cumbersome and dilatory that hardly by anything short of miracle was it possible to get anything done. Moreover, while most people, he thought, condemned the trade, large numbers were interested in it, the great city of Amsterdam especially so; and Van Berckel, the pensionary of Amsterdam, a statesman of great influence, constantly exerted himself to thwart the ambassador of Great Britain.⁵

The Dutch prohibitions, such as they were, expired in the autumn. The British government, not to be satisfied with a bare renewal, sent a memorial of protest to the States General, and it was supported by the stadholder, the Prince of Orange, nephew of King George and head of the British party.⁶ The States General issued a proclamation forbidding, under the same penalties as before, for one year from October 10, 1776, the exportation of warlike stores or ammunition to the revolted colonies, or in British ships to any place.⁷ But that no great things were expected from this decree, or achieved by it, is evident from Suffolk's suggestion, soon after its passage, that no larger amount of military stores be allowed to be sent to the Dutch West Indies than the average annual export in years before the war, that this amount be consigned to the

¹ Yorke Corr., Sparks and Bancroft MSS., May 31, June 28, 1776.

² Yorke Corr., Sparks MSS., August 9, September 3, October 18, 1776.

³ *Ibid.*, March 6, 22, 1776 (Sparks), April 16 (Bancroft); see the curious episode narrated in *Md. Archives*, XI. 83.

⁴ August 2, October 21, 1776.

⁵ August 29.

⁶ Suffolk to Yorke, September 13; Yorke to Suffolk, September 29, October 1, 11; Colenbrander, I. 120.

⁷ *Groot Placcaet Boeck*, IX. 108.

Dutch colonial governments, and that they be compelled to return an account of its expenditure; or from the suggestion which Yorke makes to Eden, that since the Dutch make so bad a use of the gunpowder they manufacture, they might be told that, if they continue, orders shall be sent to Bengal not to let them bring home any saltpeter.¹ Yorke writes in a tone of constant exasperation. The trade goes on, mostly in ships lightly armed, with twelve or fourteen guns and from eighteen to twenty-four men and boys, just enough to gain the favor of the underwriters, for they could beat off a small privateer, though not the least of the British sloops. His only satisfaction is in reporting at intervals that the trade is slackening, either because of the activity of the British cruisers in the neighborhood of the island, or because the Amsterdammers have overstocked it, or because of "the glad tidings from Long Island."²

But these satisfactions were short-lived. Some months after, for instance, a British admiral reports that one of his captains has stopped a Dutch ship sailing home from the island to Flushing, with 1,750 barrels of gunpowder. Its master admitted that he had sold at the island 3,000 barrels of powder and 750 stands of arms complete, with bayonets and cartouche-boxes; but declared that after waiting seven months to sell the rest he was now taking it home. It appeared probable, however, that he was going out beyond the range of the British cruisers to meet a vessel to which he would transfer his remaining stores, and which would take them to the rebels. Indeed the British captain thinks that he has found the very vessel, one sailing in the neighborhood without cargo, whose occupants said that they were cruising for pleasure, fishing and shooting, and selling the surplus of their catch.³

The governor of the island, thought by the English to favor the smugglers, was replaced in the middle of the year by the secretary, Johannes de Graaff; but the new governor did no better. The port was opened without reserve to American ships.⁴ Van Bibber writes to the Maryland council of safety November 5, 1776, urging them to send all their vessels to St. Eustatius rather than to any other island, "as the Dutch have discover'd that their laws when put in force must ruin their Merchants. I am on the best terms with His Excellency the Governour and have his word and Promise relative

¹ Suffolk to Yorke, October 22, 1776; Yorke to Eden, October 25.

² Yorke to Suffolk, May 21, October 22, November 15, December 24, 27, 1776, July 4, 1777; Paul Wentworth to Suffolk, Stevens's *Facsimiles*, No. 704.

³ Vice-Admiral Young to Philip Stephens, secretary of the admiralty, Antigua, August 8, 1777, Yorke Corr., Sparks MSS.

⁴ Captain Colpoys to Young, Basseterre, November 27, *ibid.*

to some particulars that gives me great Satisfaction and puts much in our powers. I was not so happy some time agoe, and every bad consequence to apprehend on our new Governour's taking the Command, but we are as well fixed with him now as we were with the former." Two weeks later he writes: "Our Flag flies current every day in the road. The Merchants here are always complaining of Government untill they would give as much Protection and Indulgence here to us as the French and Spaniards do. . . . The Governour is daily expressing the greatest desire and Intention to protect a trade with us here. Indeed they begin to discover their Mistake and are now very jealous of the French's running away with all their trade."¹

Between the dates of these two letters an event occurred which raised British exasperation to the highest point. On the sixteenth of November, 1776, a vessel of the infant Continental navy, the *Andrew Doria*, Captain Isaiah Robinson, flying the flag of thirteen stripes, dropped anchor in the road of St. Eustatius and saluted Fort Orange with eleven guns; and the salute was returned. This has been claimed as the first occasion on which the American flag was saluted in a foreign port.² But a letter written from the Danish island of St. Croix to Vice-Admiral Young, on October 27 preceding, after mentioning the departure of an unnamed American schooner with a small cargo of powder two days before, adds: "But my astonishment was great to find such a Commerce countenanced by Government here. The Vessel went out under American Colours, saluted the Fort and had the compliment returned the same as if she had been an English or Danish ship."³

But the incident at St. Eustatius was more conspicuous. The *Andrew Doria* was a Continental vessel. Van Bibber reported that her commander was "most graciously received by his Honour and all Ranks of People. Its esteemed here by the first Gentlemen a favour and Honour to be Introduced to Capt. Robertson. All American Vessells here now wear the Congress Colours. Tories sneak and shrink before the Honest and Brave Americans here."⁴ Whatever effect may have been produced on Dutchmen or on

¹ *Md. Archives*, XII. 423, 456; Force, *Archives*, fifth ser., II. 180; III. 513, 759.

² Bancroft, IX. 293; a pamphlet by Hon. B. F. Prescott, secretary of state of New Hampshire, entitled *The Stars and Stripes: The Flag of the United States of America; When, Where and by Whom was it first Saluted?* (Concord, 1876); an article by Rev. Dr. W. E. Griffis, "Where our Flag was first Saluted," in the *New England Magazine*, n.s., VIII. 576 (1893).

³ Letter of October 27, Bancroft MSS.; it was apparently written by a Mr. Kelly and was enclosed in a letter of March 14, 1777, from Lord George Germain to Suffolk, *ibid.*

⁴ *Md. Archives*, XII. 456; Force, *Archives*, fifth ser., III. 759.

Tories by the arrival and the reception of the *Andrew Doria*, it roused the president of St. Christopher to vivid indignation. Summing up in one angry remonstrance the various violations of neutrality which he had observed from his neighboring island, and commenting with especial severity upon the salute, he sent the document solemnly to De Graaff by the hand of a member of his council. At the same time he sent indignant representations to the secretary of state in London, fortified by affidavits, some of which are curious. One of them is from a Barbadian student at Princeton, John Trottmann, who during a vacation at Philadelphia, while walking late one evening with a fellow-student, was seized by a press-gang, hurried on board the *Andrew Doria*, and carried away to St. Eustatius. Another was from one James Fraser, gentleman, who testified with great clearness as to the lowering of the Dutch flag on the fort, the salute with nine guns in response to the eleven fired by the American brigantine, and the common talk that this had been done by the governor's order.¹ President Greathead also commented severely on the open encouragement and protection which the rebels received at the Dutch island, the constant equipping and fitting-out of privateers to prey on British commerce, and especially on the incident of the sloop *Baltimore Hero*, said to be half-owned by Abraham van Bibber, and flying the flag of the Continental Congress, which on November 21, almost within range of the guns of Fort Orange, had taken a British brigantine and then returned to the road of St. Eustatius, with flag flying, and there received every sign of aid and protection.²

But, after all, the greatest offense was the salute, or, as Lord Suffolk put it, the honor paid to a rebel brigantine carrying the flag

¹ The chief source of information on the episode, and on De Graaff's conduct generally, is a voluminous Dutch "blue book" of 1779, which Dr. Griffis has been so kind as to lend to me, and which is entitled *Missive van Repraesentant en Bewindhebberen der Westindische Compagnie, met eene Deductie en Bylaagen van den Commandeur de Graaf op St. Eustatius tot sijne Verantwoording, etc.* It contains De Graaff's defense, a report to the States General by a committee of the West India Company appointed to consider it, and more than a hundred and fifty pertinent documents. Several of the more important of these had been printed in the *Nederlandsche Jaerboeken* for 1777, and translations of these are given in Mr. Prescott's pamphlet, already mentioned. In this will be found, accordingly, versions of Greathead's letter of December 17, 1776, to Governor de Graaff, the latter's reply of December 23, a second letter from Greathead, December 26, the affidavits of Trottmann and Fraser, and Greathead's letter of December 31 to Lord George Germain.

² *Missive en Deductie*, 98-102. Yet when an American ship at St. Eustatius was seized by two of her crew while her captain was ashore, and was given up within sight of the island to a British cruiser, which took her to Nevis and sold her, Yorke remarks (to Suffolk, April 19, 1776) that "it is a little singular that the governor should presume to complain of it" (Sparks MSS.). We have the same story from the American captain's point of view in *Md. Archives*, XI. 83.

of the rebel Congress, and the governor's insolence and folly in replying to the remonstrance of the president of St. Christopher that he is "far from betraying any partiality between Great Britain and her North American colonies."¹ Such conduct from the representative of a state allied to Great Britain by several treaties was not to be overlooked. The secretary of state sent over to Sir Joseph Yorke a memorial which was forthwith presented to the States General, but which was conceived in a peremptory style not usual in the mutual communications of friendly states. After recounting in warm terms Governor de Graaff's connivance at the illicit trade and at the fitting-out of privateers, and the final outrage of returning an American salute, the minister declares that he is ordered "to expressly demand of your High Mightinesses a formal disavowal of the salute by Fort Orange, at St. Eustatia, to the rebel ship, the dismissal and immediate recall of Governor Van Graaf, and to declare further, on the part of His Majesty, that until that satisfaction is given they are not to expect that His Majesty will suffer himself to be amused by mere assurances, or that he will delay one instant to take such measures as he shall think due to the interests and dignity of his crown."²

In fact, the measures deemed appropriate had already been taken. Six days before the memorial had been presented at The Hague the lords of the admiralty had been instructed³ to order the commander-in-chief on the Leeward Islands station to post cruisers off the road of St. Eustatius, search all Dutch ships for arms, ammunition, clothing, or materials for clothing, and send those ships which were found to contain such things into some port of the Leeward Islands, there to be detained till further orders; and these injunctions were maintained for six weeks.⁴

But the Dutch Republic, with the party of Amsterdam and the party of Orange, the French party and that of England, straining its unwieldy governmental machinery in opposite directions, was in no condition to resent effectively the tone of English memorials. Their reply⁵ disavows their governor's actions in so far as they might seem to imply a recognition of American independence, and

¹ Suffolk to Yorke, February 14, 1777 (Sparks MSS.).

² The memorial, presented February 21, 1777, is printed in Hansard, XXI. 1079; in the *Annual Register* for 1777, p. 289; and in the *Remembrancer* for the same year, p. 92. See the comments of Thomas Townshend in Hansard, XXI. 1086. Mr. Colenbrander says that the papers of the Public Record Office show that these menacing words were penned by the British government, not by Yorke himself as was thought at the time.

³ Suffolk to the lords of the admiralty, February 15; Yorke Corr., Sparks MSS.

⁴ Suffolk to the lords of the admiralty, March 29, 1777, recalling the previous instructions and ordering that the Dutch ships which had been detained be restored.

⁵ *Annual Register*, 1777, p. 291; *Remembrancer*, 1777, p. 93.

they required him to come home and explain his conduct. He was more than a year in coming, pleading age, the fear of seasickness, the recent illness of his family and himself;¹ and meanwhile the salutes went on.² The other provinces were persuaded to put pressure upon Holland.³ Rear-Admiral Count Bylandt, sent out as commander-in-chief of a convoying squadron, and temporarily superseding De Graaff in matters of marine, watched more closely over the execution of the neutrality laws—though Lord Macartney, governor of Grenada, thought that “To see a man of Count Bylandt’s Birth and Quality receive a board his Flag Ship the Masters of Rebel Privateers with all the attention and civility due to their equals in regular service excites one’s pity and contempt.”⁴ St. Eustatius proved very useful to the Windward Islands in a time of scarcity; and the secretary of state notified the ambassador that the British would not take any more Dutch ships unless they had naval or warlike stores on board.⁵

In July, 1778, De Graaff at last reached home. Called upon to defend his whole course as governor, so far as it related to the North American colonies, he presented in February a verbose *apologia pro vita sua*, in which he endeavored to clear himself of all the accusations raised by Greathead and Yorke. He declared that he had never connived at trade in munitions of war; that the *Baltimore Hero* had not been fitted out at the island, but by the council in Maryland; that her prize was not made within the range of his guns, but much nearer to St. Christopher; that the salute of the *Andrew Doria* had, by his orders, been returned with two less guns than she fired, that this was the usual return-salute to merchant vessels, and implied no recognition of American independence; that on accusation by Vice-Admiral Young against Van Bibber, as concerned in fitting out privateers, he had placed the latter under civil arrest, but that he had escaped before the arrival of a demand backed by proper affidavits; that it had been his custom to require incoming American vessels to give bonds for due observance of neutrality while in the port; that he had compelled all persons on the island possessing gunpowder to take oath that they would not export it

¹ Yorke to Suffolk, September 2, October 7, 1777, January 13, 1778; *Missive en Deductie*, 3-5; Wentworth to Suffolk, September 2, 1777, in Stevens’s *Facsimiles*, No. 191.

² Yorke to Eden, July 4, 1777.

³ Yorke to Suffolk, November 7, 1777.

⁴ *Id.*, August 25, 1778; De Jonge, *Geschiedenis van het Nederlandsche Zeezeven*, IV. 383; *Missive en Deductie*, 79; Suffolk to Yorke, August 28, 1778, and Macartney to Germain, April 10, 1779 (Bancroft MSS.).

⁵ Burke, in Hansard, XXII. 233; petition of the West India planters and merchants, in *Gazette de Leyde*, April 27, 1781, p. 3; Suffolk to Yorke, September 29, 1778.

to North America; and that he had appointed a customs clerk visitor of ships in order to find arms if any were illegally carried.¹ A committee of the directors of the West India Company, appointed to hear his defense, reported to the States General that it was perfectly satisfactory, and that the facts which he had adduced showed that there was ground of complaint rather against the British commanders for their conduct toward the Dutch settlements and subjects in the West Indies than against the latter.² De Graaff went out again as governor, and conducted himself so acceptably to the Americans that two of their privateers were named after him and his lady;³ and his portrait, presented sixty years afterward by an American citizen grateful for the "first salute," hangs in the New Hampshire state-house.⁴ Of his defense no more need now be said than that an observance of neutrality which gave to the one belligerent such absolute contentment and to the other such unqualified dissatisfaction can hardly have been perfect.

Accordingly, when Sir George Rodney, sent out to command on the Leeward Islands station, arrived in the West Indies in the spring of 1780, the situation was still exceedingly strained. Rodney declared with conviction that after his ineffectual fight with Guichen off Martinique on April 17, 1780, two vessels loaded with cordage and naval stores and filled with carpenters went out from St. Eustatius, joined the shattered French fleet under Barbuda, and gave such assistance as enabled eight of their vessels, which must otherwise have borne away for St. Domingo, to keep company with their fleet.⁵ He seems at that time to have conceived a deep feeling of hostility against the island. "This rock," he afterward declared, "of only six miles in length and three in breadth, has done England more harm than all the arms of her most potent enemies, and alone supported the infamous American rebellion."⁶ In August, after he had sailed to New York, Captain Robinson, one of his offi-

¹ *Missive en Deductie*. His defense fills pp. 3-98, his appendix of documents pp. 99-344.

² *Ibid.*, I, 2. See also the Dutch counter-manifesto of March 12, 1781, in Wharton, *Revolutionary Diplomatic Correspondence*, IV. 307.

³ Mundy's *Life and Correspondence of Lord Rodney*, II. 46; Stevens, *Facsimiles*, No. 732, anonymous letter to Eden, Philadelphia, September 1, 1780: "This day arrived the Ship call'd Governor De Graff Cap^t Lyle of this Port from St. Eustatias."

⁴ The correspondence regarding it (1837) is in Mr. Prescott's pamphlet; it was copied in Surinam from a painting owned there by De Graaff's grandson.

⁵ Mundy, II. 30; Colenbrander, I. 120, 124. Mr. Colenbrander prints in an appendix, I. 383, a characteristic letter of advice written by Frederick the Great to his niece, the Princess of Orange, May 31, 1779, in which he says, "Il faut . . . favoriser les François dans les bagatelles, comme de bien approvisionner votre Ile de St. Eustache, pour leur rendre de là les comestibles dont ils peuvent avoir besoin en Amérique."

⁶ Rodney to Lady Rodney, Mundy, II. 97.

cers, seized several American vessels under the very guns of the fort on the Dutch part of the little island of St. Martin, and threatened to burn fort and town if any resistance were made.¹ De Graaff represented that the loss would be great if the English persisted in the new stringency which Rodney seems to have introduced; and private letters from St. Eustatius said that numbers of the Americans settled there had left the place for fear of being seized, the governor declaring that he could not protect them.² Then came the great hurricane of October, 1780, which destroyed between four and five thousand people and nearly if not quite all the dwelling-houses in the town.³

But the time had now come when the Dutch West Indies were to be drawn, even more intimately than hitherto, into the widening circle of the European war. The feeling between England and Holland, owing to the position of the Dutch as the chief neutral carriers during the war which England was waging against France, Spain, and the United States, and to the inevitable disputes as to the doctrine that "free ships make free goods"—a doctrine here complicated by treaty stipulations between the two states—was rapidly growing worse and worse. At the same time the Armed Neutrality of 1780 was arraying the northern powers of Europe in diplomatic hostility against England. The Netherlands government seemed likely to accede to it. It was feared that, if a breach with the Dutch came, it would come on a ground that would compel the northern powers to make common cause with them and enlarge to the most fatal completeness the circle of England's foes. At this juncture the capture of Henry Laurens and the discovery among his papers of a projected Dutch-American treaty afforded a pretext for forcing hostilities. The paper was but a draft, unexecuted and unauthorized; but it was signed by an agent of the Continental Congress and an agent of the hated city of Amsterdam. Two peremptory memorials were presented to the States General by Sir Joseph Yorke, demanding a formal disavowal of the conduct of the magistrates of Amsterdam, "a prompt satisfaction, proportioned to the offence, and an exemplary punishment on the pensionary Van Berkel and his accomplices, as disturbers of the public

¹ Yorke to Lord Stormont, October 6, 1780; correspondence of the States General, in Sparks MSS., CIII.; their resolutions of November 16, in *Annual Register*, 1780, pp. 374, 375; their counter-manifesto of March 12, 1781, *Rev. Dipl. Corr.*, IV. 308; *Authentic Rebel Papers*, 22; *Writings of James Madison*, I. 68.

² Yorke to Stormont, October 13, 1780; Stevens, *Facsimiles*, No. 732; John Adams thought that the amount of American property remaining on the island at the time of its capture was not great; *Correspondence of the late President Adams*, 422.

³ *London Chronicle* of January 6-9, 1781, pp. 31, 32; *Annual Register* for 1780, p. 298.

peace and violators of the law of nations."¹ So threatening was his tone that insurance to St. Eustatius at once rose to twenty or twenty-five per cent.²

The disavowal was promptly forthcoming. But under the decentralizing Dutch constitution it was even more difficult for the States General to find means of punishing the magistrates of a particular city, and that the most powerful, than it is for the government of the United States to inflict punishment for the murder of Italians in New Orleans. Their reply to the demand for satisfaction and punishment was deemed so dilatory and evasive that the British ambassador was ordered to quit The Hague, and on December 20, 1780, his government, justifying itself in a bold manifesto, declared war against the Netherlands.³ So rich a nation, with a constitution so little adapted to rapid and effective preparation for war, afforded an easy prey; before Yorke had left the The Hague two hundred Dutch ships had been seized, with cargoes valued at fifteen million florins.⁴

But even before he had presented his first memorial he had directed the attention of the secretary of state to the rich opportunity afforded by the Dutch colonies in America. On November 7 he wrote to Lord Stormont: "But it is in the West Indies that the most immediate reprisal might be made, and which would affect them the most, because it is the golden mine of the moment, and in the working of which the greatest numbers are actually employed. It is sufficient to cast an eye upon the Custom House lists of the Rebel Ports in North America, to see what is carrying on through St. Eustatius, Curaçao and other Dutch settlements, but above all the former. What the defence of that place is, anybody can tell who has ever been at St. Kitts; and the panic the seizing of the Rebel ships at St. Martin's struck those of St. Eustatius with, proves sufficiently what the inhabitants themselves thought of it. As these places, but St. Eustatius in particular, are the channels of correspondence and connection with North America, the conduct of

¹ Memorials of November 10 and December 12, 1780, in *Annual Register* of that year, pp. 373, 375; Hansard, XXI. 978, 979; *Remembrancer*, X. 333.

² Adams, *Works*, VII. 329.

³ Manifesto in *Annual Register*, p. 376; Hansard, XXI. 968; *Rev. Dipl. Corr.*, IV. 219. Counter-manifesto of the States General, March 12, 1781, *Gazette de Leyde* of March 20; translated in *Annual Register*, 1781, p. 293, and *Rev. Dipl. Corr.*, IV. 306.

⁴ Colenbrander, *De Patriottentijd*, I. 153, says that in 1778 Great Britain had, of ships of sixty guns and more (then the essential instruments of naval warfare), 122, France 63, Spain 62, the Netherlands 11. See also p. 191 *ibid.* As late as May 17, 1781, a Dutch captain, meeting in the North Atlantic three homeward-bound ships of the Dutch West India Company, gave them their first intimation of the existence of war with England; *Gazette de Leyde*, June 29, p. 4.

Amsterdam upon the present occasion, after the proofs produced of its treachery, seems to justify the taking possession of it as a dépôt, declaring not to mean to keep it, or prevent the lawful trade between that place and the mother country, but only to cut off the intercourse between Amsterdam and His Majesty's enemies and rebellious subjects, till satisfaction is given for the past, and security for the future." He added that he had heard that ten or eleven Dutch men-of-war were to sail for the West Indies in two or three weeks, so that it would be best to act soon, in order, as he naively says, to avoid the charge of aggression ("if that is worthy consideration in matters of such magnitude") or the necessity of an attack on the ships of the States General.¹

The ambassador's hint was not lost upon the secretary. The portion of his letter relating to St. Eustatius was forthwith transmitted to the admiralty for their guidance.² On the fifth of December Stormont informs Yorke that he is preparing "to send secret orders to seize the Dutch settlements in the West Indies."³ On December 20, the same day on which war was declared, orders were sent to Rodney and to Major-General Vaughan, commander-in-chief of the land forces in the West Indies, to make immediate conquest of the Dutch islands, beginning with St. Eustatius and St. Martin.⁴ How great an importance was attached to the matter may be seen from the declarations of Lord Stormont in the House of Lords a few weeks later, during the debate on the Dutch war. After dwelling upon the enormities of the illicit trade, he said that the Dutch had supplied the rebels with the means of continuing their resistance till France, and afterwards Spain, took a public part in the quarrel, and he declared that "he was persuaded, upon the best information, that we should never have been in our present situation, were it our good fortune that St. Eustatia had been destroyed or sunk in the ocean."⁵ The confident statement of Lord George

¹ Yorke to Stormont, November 7, 1780; Bancroft and Sparks MSS. This letter is printed by Colenbrander in an appendix, I. 388, 389. The British government had asked Yorke for suggestions; *ibid.*, 190.

² Bancroft MSS.

³ *Ibid.*

⁴ Instructions of the lords of the admiralty, in Mundy, II. 6; in Brown, *Reports of Cases in Parliament*, II. 424; and in *Letters from Sir George Brydges, now Lord, Rodney to his Majesty's Ministers, etc., relative to the Capture of St. Eustatius and its Dependencies*, 1789, p. 5. As most of the letters given in this book (of which there was an earlier and less complete edition, 1787, privately printed and very rare,—not in Sabin) are reprinted in Mundy's *Rodney*, and as the latter is much more accessible, I shall refer to the former only for letters which are not to be found in Mundy, or for passages which Mundy, who seems to have taken considerable liberties with his texts, gives in a different form.

⁵ Hansard, XXI. 1004, January 25, 1781. The *Gazette de Leyde* of March 23, p. 7, comments on the obvious connection between these expressions of the secretary of state and the subsequent events.

Germain, that the town had reached such a state of commercial importance that the annual rent of its houses and warehouses amounted to a million sterling,¹ would hardly seem credible were it not supported by Rodney's declaration that the lower town, a range of storehouses about a mile and a quarter in length, had been "let at the enormous sum of twelve hundred thousand pounds per annum."²

Rodney had left Sandy Hook in the middle of November, and arrived at Barbados on December 6.³ During his absence and after his return the control of neutral commerce was vigilantly maintained. In October an English privateer, after a half-hour's fight, took an American vessel out of the road of St. Eustatius.⁴ Early in January three others seized ten vessels laden with sugar and coffee and cotton, which were sailing from the French islands to St. Eustatius and St. Croix under the convoy of a Danish frigate.⁵ In the middle of the month Admiral Rodney made his ineffectual attack on St. Vincent. Before the year ended he was joined by Rear-Admiral Sir Samuel Hood with large reënforcements. At Barbados, on January 27, he received the declaration of war and his secret orders. Embarking the troops under Vaughan, he sailed from St. Lucia on the thirtieth. After a feint at Martinique, he appeared before St. Eustatius on February 3 and demanded the instant surrender of the island and all that it contained.⁶

The blow, as Rodney said, "was as sudden as a clap of thunder," and wholly unexpected. A Dutch frigate, which had arrived but two days before, had brought no news of war. As a naval exploit the capture has no interest. There was no possibility of defense. The fortifications were such as Lord Stormont had described. The garrison numbered only fifty or sixty men.⁷ The naval force in the harbor consisted of the frigate already mentioned, of thirty-eight guns, and five smaller American vessels, of from twelve to

¹ Hansard, XXII. 246, House of Commons, May 14.

² Mundy, II. 94, 95; *Historical MSS. Commission Reports*, IX. 3: 112.

³ Mundy, I. 447, 448.

⁴ Letter of October 31, 1780, from St. Eustatius, in *Gazette de Leyde*, February 27, 1781, p. 8.

⁵ *Gazette de Leyde*, March 13, p. 5; April 17, p. 1.

⁶ Rodney's reports to the admiralty and the secretary of state, and his letter to Lady Rodney are given in Mundy, II. 9-27. Some additional particulars respecting the capture may be obtained from Vaughan's reports, which (with Rodney's) are printed in the *London Chronicle* of March 13-15, p. 249. The *Gazette de Leyde* of May 15, pp. 5, 6, and the *Nederlandsche Jaerboeken*, 1781, pp. 807-813, present a sort of diary of the events from February 3 to February 22, kept by a Dutch supercargo at St. Eustatius. Count Bylandt's report to the stadholder, February 6, is in the *Gazette* of March 27, p. 8, and in the *Jaerboek* at p. 787. See also the *Annual Register* of 1781, pp. 101, 102, and De Jonge, IV. 458-468.

⁷ Burke, in Hansard, XXII. 221, 772.

twenty-six. It would seem that a naval force of fifteen ships of the line and several frigates, accompanied by 3,000 land troops, was an ample one with which to reduce a place so defended. At all events, Governor De Graaff thought so; and, being given an hour in which to surrender unconditionally, he did so. Count Frederik van Bylandt, commanding the frigate, demanded for his honor's sake that there should be some firing. After two broadsides in return, he also surrendered. The Americans on the island made an offer to the governor to defend it, and a large body of American sailors retired to the interior and made a show of resistance; but hunger and Vaughan's troops soon compelled them also to surrender at discretion.¹ St. Martin and Saba presently yielded to a detachment of the British forces.² Learning that a rich convoy of twenty-three merchant vessels,³ under the protection of a sixty-gun Dutch ship, had sailed homeward from the island about thirty-six hours before his arrival, Rodney sent after it another detachment, and the whole convoy was captured after a brief engagement, in which the Dutch rear-admiral was killed—the first Netherlander slain in the war.⁴ With stratagem perhaps not illegal but certainly not glorious, the Dutch flag was kept flying over the town and fort, in order that Dutch, French, Spanish, and American vessels, ignorant of the capture and perhaps of the war, might be decoyed into the roadstead and seized as a part of the spoils.⁵

X But if the capture of St. Eustatius was not glorious, undoubtedly it was lucrative. Rodney himself was surprised at the magnitude of the spoil. "The riches of St. Eustatius," he wrote to his wife, "are beyond all comprehension; there were one hundred and thirty sail of ships in the road," besides the war-vessels. The convoy which had been overtaken by his subordinates was valued at more than half a million pounds sterling. "All the magazines and store-houses are filled, and even the beach covered with tobacco and sugar." A convoy from Guadeloupe was brought in. There was scarcely a night without an additional American capture. March 26 the admiral reports, "Upwards of fifty American vessels, loaded with tobacco, have been taken since the capture of this island;" and the letters found on board proved that their whole

¹ Letter in *London Chronicle* of March 24-27, p. 292.

² February 5, according to the documents in the *London Chronicle*, March 13-15, p. 250; but mentioned in Rodney's despatch of February 4, Mundy, II. 12.

³ An inventory of the cargo is in *Nederl. Jaerboeken*, 1781, p. 1228.

⁴ Report of Captain van Halm to the stadholder, *Nederl. Jaerboeken*, pp. 1392-1394; also pp. 789, 792.

⁵ See the *Gazette de Leyde*, April 27, 1781, for the severe comments of the *Gaceta de Madrid*. The Dutch flag was kept flying more than a month after the surrender; letter of March 4 from St. Eustatius in the *Gazette de Leyde* of May 8, p. 3.

outfits, everything save hulls and masts, had been obtained through St. Eustatius. The island, said Lord George Germain, was a vast magazine of military stores of all kinds. Several thousand tons of cordage had been found, though Rodney complained that he had been unable to procure any for his needs, and had been told that there was none to be had. Altogether, the value of the capture was estimated by sober authorities at more than three million pounds sterling. Besides the other inhabitants of all nations more than two thousand American merchants and seamen were secured.¹ It was a pardonable exaggeration if the admiral, in the flush of victory, wrote to his wife that "There never was a more important stroke made against any state whatever."²

How profound an impression the disaster made upon public opinion in Holland may be seen from what John Adams, an eyewitness, reports to Secretary Livingston: "You can have no idea, sir, no man who was not upon the spot can have any idea, of the gloom and terror that was spread by this event. The creatures of the court openly rejoiced in this, and threatened, some of them in the most impudent terms. I had certain information, that some of them talked high of their expectations of popular insurrections against the burgomasters of Amsterdam and M. Van Berckel; and did Mr. Adams the honor to mention him as one that was to be hanged by the mob in such company."³ In England, on the other hand, there was great exultation. The guns of the Tower were fired, and the government stocks rose one and a half per cent.⁴ George Selwyn noted the joy which prevailed at White's.⁵ "Your express," wrote Lady Rodney, "arrived on the morning of the 13th (March). My house has been like a fair from that time till this. Every friend, every acquaintance came. I went to the drawing-room on Thursday following. It was more crowded than on a birthday; and the spirits which every one was in was enlivening to a degree, and the attention and notice I received from their Majesties were sufficient to turn my poor brain. . . . This glorious news has been a thun-

¹ Mundy, II. 11, 15, 18, 19, 21, 67, 77; Hansard, XXII. 244, 245; *Annual Register*, 1781, p. 102; *Letters from Sir George Rodney*, p. 161. Some of the intercepted letters were presently printed in a pamphlet entitled *Authentic Rebel Papers seized at St. Eustatius*, 1781; but though relied upon by their editor (shortly before Yorktown) to prove the inability of America to continue the contest, they are of slight importance; and indeed the first and longest of them bears marks of spuriousness. Their genuineness was questioned by a contemporary reviewer in the *Monthly Review*, LXV. 382. Burke offered to prove that the alleged scarcity of cordage had been real, Hansard, XXII. 776, 777; but the evidence seems to point the other way.

² Mundy, II. 25.

³ Adams's *Works*, VII. 417, 523.

⁴ *London Chronicle*, March 10-13, 1781, p. 248.

⁵ *Historical MSS. Commission Reports*, XV. 6: 472.

derbolt to the opposition, very few of whom appeared in the House of Commons. Negotiations towards peace had been talked of for some time before its arrival, and it cannot fail to produce a favourable effect upon them."¹ Rodney was raised to the peerage, and a pension of two thousand pounds per annum was bestowed upon him.²

It next remained to be seen what the admiral, and the general who was associated with him in the command, would do with their great prize; and indeed this is the most instructive portion of the story. Of the temper in which he approached his task Rodney has left no doubt. "A nest of vipers," he called the island, "a nest of villains; they deserve scourging, and they shall be scourged." "This island has long been an asylum for men guilty of every crime, and a receptacle for the outcast of every nation; men who will make no scruple to propagate every falsehood their debased minds can invent." "We thought that this nest of smugglers, adventurers, betrayers of their country, and rebels to their king, had no right to expect a capitulation, or to be treated as a respectable people; their atrocious deeds deserve none, and they ought to have known that the just vengeance of an injured empire, though slow, is sure." He hoped to leave the island, "instead of the greatest emporium upon earth, a mere desert, and only known by report." His exasperation was greatest against the British merchants of the island, and especially against those who, for the better prosecution of the illicit trade, had made themselves Dutch burghers.³ Indeed, many passages in his correspondence show that he had formed a low opinion of the rectitude and patriotism of most of the West Indian subjects of the English crown—a turn of mind which, ill concealed, was destined to react unfavorably on the success of the British naval operations in the months succeeding. Whether the admiral was from the beginning moved to additional severity by eagerness for personal gain is more doubtful. On the one hand his earliest letters uniformly declare that all is the King's; that he does not look upon himself as entitled to a sixpence.⁴ On the other hand his pecuniary embarrassments are a matter of history; it is not three days before

¹ Mundy, II. 51.

² Mundy, II. 62; *Letters of Sir George Rodney*, p. 100*.

³ Mundy, II. 13, 97; *Letters of Sir George Rodney*, 29, 84, 85, 98. An amusing illustration of the possibilities of British trade may be derived from the story told in the *Nederlandsche Jaerboeken*, 1781, p. 791, that Hood, who had missed twelve large merchantmen from his convoy as he neared the West Indies, had found them in the road of St. Eustatius when the island was captured, busily engaged in transferring their cargoes to American vessels. Also in Hannay, *Letters of Sir Samuel Hood*, p. xxiii, from Beatson.

⁴ Mundy, II. 13, 16; *Letters*, 94*, 98* (February 4, 7).

he conveys a decided hint to the admiralty under the form of a request that "if his Majesty is graciously pleased to bestow any part of" the spoil "between the navy and army, he will dictate in what manner his gracious bounty may be bestowed, that all altercations and disagreements may be prevented between" the two services; and various passages in his letters to Lady Rodney betray a serious anxiety as to his debts.¹

Begun in the spirit of boundless exasperation, the measures of the British admiral were summary and sweeping. Briefly, it was decreed that all the inhabitants of St. Eustatius were to be held as prisoners of war, and all the property found there was to be confiscated to the King;—as Burke phrased it, "a general confiscation of all the property found upon the island, public and private, Dutch and British; without discrimination, without regard to friend or foe, to the subjects of neutral powers, or to the subjects of our own state; the wealth of the opulent, the goods of the merchant, the utensils of the artisan, the necessities of the poor, were seized on, and a sentence of general beggary pronounced in one moment upon a whole people."² The admiral enjoined that there should be no plundering; that neither officers nor men should go ashore from the fleet; and that none of the English inhabitants of the Leeward Islands should approach the doomed town; that all the naval stores should be sent to the government shipyards at Antigua; that the provisions designed for St. Domingo should be despatched to Jamaica; that all the goods of European origin should be sold publicly for the King; that all the rich stores of West Indian and American produce should be sent to England under convoy; and that the "lower town" should be destroyed or unroofed, and the materials sent to the devastated islands of Barbados, St. Lucia, and Antigua.³

Communication with the Windward Islands by flags of truce, grossly abused in the preceding war, was strictly forbidden.⁴ Prisoners of war were at the admiral's mercy. Samuel Curzon, who had been the local agent of Congress since the beginning of the war, and Isaac Gouverneur, Jr., who of late had been his partner,

¹ Mundy, II. 21 (February 10), 98, 139, 140.

² Hansard, XXII. 221, 222.

³ Mundy, II. 11–13, 16, 24, 30, 68, 88, 89, 92, 421; *Letters*, 94*, 97*, 98*, 108; *Gazette de Leyde*, May 8, p. 4. Probably the lower town was not actually destroyed, as we find Rodney, as late as April 21, soliciting permission to destroy it; Mundy, II. 94, 95. The secretary of state ordered the provisions to be sent to the British army in North America; *Letters*, 99; but they are said to have been conveyed to the French after Rodney's departure; Mundy, II. 423.

⁴ Mundy, II. 33, 35; *Letters*, 21, where Rodney says that in the previous war the ordinary price of a flag of truce was fifty johanneses.

were sent as prisoners of state to England, where they were committed for high treason, but released by the Rockingham ministry after a rigorous confinement of thirteen months.¹ The French merchants were treated somewhat better than the others, partly, it may be supposed, because it was impossible wholly to escape remembrance of the considerate behavior of the French at the capture of Grenada, partly because of the warm remonstrances and threats of the Marquis de Bouillé, governor of Martinique, and of Durat of Grenada. They were to be sent away in cartel vessels to Martinique and to Guadeloupe, taking with them their household furniture, plate, and linen, and their numerous domestic slaves. The governor, the Dutch, American, Bermudian, and British merchants were also to be allowed or compelled to retire, taking with them their household goods. Only the sugar-planters were to be treated with positive favor.²

In the execution of these drastic decrees much hardship was naturally caused. The secretary of the island declared that the English acted like robbers.³ The warehouses were locked; the merchants were denied permission to take inventories; all their books and papers were seized; and their cash was taken from them.⁴ A Dutch supercargo who chanced to be at the island, and who kept a sort of diary of the first three weeks after the capture, gives us a vivid picture of the searchings of portmanteaus and pockets, the digging in gardens for hidden specie, the destruction of houses, the seizing of negroes, the appropriation of riding-horses by the officers, and the daily work of shipping the goods and sending away the inhabitants in companies, nation by nation.⁵ The remonstrances of the assembly of St. Christopher, presented to Rodney by its solicitor-general, was treated with contempt.⁶

¹ Mundy, II. 39; *Rev. Dipl. Corr.*, IV. 405, 624, 708; *London Chronicle*, July 24-26. Both, in 1777, called themselves Dutch subjects; *Missive en Deductie*, p. 155. A letter from Curzon to the president of Congress, dated London, May 13, 1782, and preserved at the department of state (Chapter A, No. 78, VI. 99), describes their losses and sufferings — and asks for a consulate. On Gouverneur, see also Hansard, XXII. 773, 781. A son of President Witherspoon was also among the prisoners; *Rev. Dipl. Corr.*, IV. 708, 847.

² Mundy, II. 32, 44-46; correspondence with Bouillé, *ibid.*, 71-75. All the French left the island March 24, the Americans a few days later. They had been detained lest they should return to America and give warning. *Ibid.*, 69.

³ Secretary A. Le Jeune to the greffier of the States General, June 27, in *Corr. St. Gen.*, Sparks MSS., CIII. His arrival is noted in *Gazette de Leyde*, July 3, p. 4.

⁴ *Gazette de Leyde*, April 17, p. 1, May 8, p. 4; *Nederlandsche Jaerboeken*, 1781, pp. 1225-1227, 1994; Hansard, XXII. 221-223.

⁵ *Gazette de Leyde*, May 15, pp. 5, 6; *Nederlandsche Jaerboeken*, 1781, pp. 807-813.

⁶ One of the St. Christopher remonstrances is reprinted, from an island newspaper, in the *Gazette de Leyde* of May 8, p. 3; they are commented on by Burke in Hansard, XXII. 227, 228.

The hardest measure of all was meted out to the Jews. Not only were they deprived of their property and laid under sentence of banishment, but they were given but a day's notice for their departure, and were told that they were to go without their wives and children. They assembled the next day, to the number of 101. Forthwith they were confined in the weigh-house and strictly guarded. They were stripped, and the linings of their clothes ripped up in search of money. Eight thousand pounds sterling were obtained in this way. One of these Jews, from whose clothing 900 johanneses were taken, was a Newport Jew named Pollock. Having imported tea contrary to the command of the Rhode Islanders, he had been driven from the island with loss of all his property. Sir William Howe had given him the opportunity for a fresh start, on Long Island, but again the Americans had fallen upon him and despoiled him; and now for the third time he suffered loss of all his property, though this time the blow was inflicted by the agents of his own government.¹

It was inevitable that such wholesale devastation should excite the indignation of Europe, especially since most of Europe was at war with England or sympathized with her enemies. It was quickly taken up by the West India merchants in London, who held a meeting, sent a committee to interview Lord George Germain, and presented to the Crown an able but ineffectual petition.² Even the Amsterdam merchants sent over a remonstrance, though those of Rotterdam refused to sue for justice of the public enemy.³ It was also made the subject of a warm attack in the House of Commons, an attack illuminated by the genius of Edmund Burke. Upon motions for an inquiry into the conduct of the chief commanders, the whole affair was debated in May, and again in December, when Rodney and Vaughan, who were members of the House, were able to be present.⁴ Burke had no difficulty in showing that a wholesale confiscation of private property found in a captured place was contrary to the law of nations. He defied his opponents to men-

¹ Hansard, XXII. 223-226. The *Gazette de Leyde*, June 5, p. 3, gives the name of this man as Moloch, surely an unlikely name for a Hebrew. Lord George Germain asserted that the treatment of the Jews was unknown to the commanders-in-chief, but St. John declared himself ready to prove the opposite (*ibid.*, 244, 247), and indeed it seems to be proved by the petition of the Jews of St. Eustatius, dated February 16, printed in the *Annual Register*, pp. 308-310, and in *Nederlandsche Jaerboeken*, 1781, pp. 817-820.

² *Gazette de Leyde*, March 27, p. 4, March 30, p. 8, April 6, p. 7; the petition, *ibid.*, April 27, May 1; *Nederlandsche Jaerboeken*, 1781, pp. 796-806.

³ Dumas to the president of Congress, *Rev. Dipl. Corr.*, IV. 323; to John Adams, Adams's *Works*, VII. 408.

⁴ The debates are in Hansard, XXII. 218-262, 769-785, 1023-1026. See also a letter of John Adams in *Rev. Dipl. Corr.*, IV. 460.

tion one other instance, in the warfare of the fifty years preceding, in which such a confiscation had taken place. He showed that, on the contrary, from the moment of surrender the conquered inhabitants were entitled to the royal protection;¹ inveighed against the unrighteousness of punishing all for the illicit commerce maintained by some; and declared, apparently with much truth, that public injury comparable with that caused by the illicit trade had been inflicted by Rodney's gigantic auction. At that auction the whole property had been sold at far less than its value, and the ultimate result had been that, in spite of the admiral's precautions, the Americans, French, and Spaniards had been supplied by the British government at a much cheaper rate than they otherwise could have been. Passing to the case of the British subjects, he pointed to the positive acts of Parliament under which English merchants traded to the island,² and ridiculed the contention that if wronged they could have redress through the courts, when all their books and papers had been seized. "It was not extraordinary," he said, "that a man sitting on a great gun in a ship's cabin should hold language like that of Admiral Rodney; for however much he respected his naval character, his judgment as a lawyer could not be expected to have any consequence"; and indeed Rodney seems to have been ignorant of certain important acts of Parliament,³ and to have openly flouted others.

More serious from a professional point of view was the accusation that the admiral, intoxicated with the pecuniary brilliancy of his prize, had lingered in the road of St. Eustatius, superintending with eager care the disposal of the spoil, and thus squandered away the opportunity of important naval successes which had been afforded him by the temporary naval weakness of the allies in the Caribbean. "Admiral Rodney," says Horace Walpole tartly, "has a little over-gilt his own statue."⁴ Certain it is, that he remained at the island three months and a day,⁵ and that meanwhile De Grasse, watched only by Hood's squadron, had slipped around the shoulder of Martinique and joined the other French ships in the roadstead of Fort

¹ Solicitor-General Yorke, in 1759, declared that the inhabitants of Guadeloupe, after conquest, were British subjects, with or without the taking of oaths of allegiance. Chalmers, *Colonial Opinions*, 642.

² Attorney-General Northey, in 1704, gave it as his opinion that it was no offense for a British subject on a neutral island to trade with the enemy during war-time, provided it was not in materials of war. *Ibid.*, 645.

³ It appears from Rodney's correspondence, Mundy, II. 116, that he did not know that by act of Parliament (apparently the act 17 Geo. III. c. 7 is meant) masters and mates of unarmed rebel trading vessels were exempted from capture.

⁴ *Letters*, ed. Cunningham, VIII. 93.

⁵ Till May 4. Mundy, II. 102.

Royal. Yorktown itself might never have happened if this juncture of the French had not been effected, and in all probability it would not have been effected if Rodney, with his whole fleet, had been where Hood wished him to be, to windward of Martinique.¹

Lord North's "fine brute majority" might stifle inquiry, but it could not control the operations of the courts of law, nor such retribution as might be offered by the fortunes of warfare. In the course of the legal proceedings no fewer than sixty-four claims appeared, amounting as stated to far more than the whole of the captured property. Rodney was subjected to great expense and vexation. The books and papers, sent to the care of the secretary of state, could not be found. Six years after the capture, only thirteen of the cases had been finally disposed of, and in nine of these there had been sentences of restitution.² The King had granted all the spoil to the captors, excepting only provisions, ordnance, arms, ammunition, and military stores, and Rodney and Vaughan should each have received a sixteenth part of the immense booty;³ but Vaughan declared in the House of Commons that he had not made a shilling by the transaction,⁴ and Rodney seems to have fared hardly better. They had made two successive and mutually conflicting arrangements for the general agency, which had embroiled them with the captains, and embarrassed and retarded the settlement.⁵

Much the most valuable part of the spoil had been, after careful preparation, sent to England in a large fleet of thirty-four merchantmen under convoy of Commodore Hotham, with two ships of the line and three frigates. Before they had reached the English coast, but only twenty leagues to the west of the Scilly Islands, a French admiral, LaMothe Piquet, having under his command a much superior force, fell in with the ill-fated convoy. Hotham signalled for the war-ships to draw closer and for the convoy to dis-

¹ *Letters of Sir Samuel Hood*, 17, 22, 23; Stevens, *Clinton-Cornwallis Controversy*, I. 83; Mahan in Clowes, *History of the Royal Navy*, III. 481, 482; *Types of Naval Officers*, 224, 228.

² Mundy, II. 5, 77, 367, 368. One of the suits became a leading case in prize law. The King's Bench having been moved for a prohibition to restrain the Court of Admiralty from condemning certain property, on the ground that it had been taken on land, not on the sea, Lord Mansfield in an elaborate opinion considered the foundation and nature of the prize jurisdiction of that court, and declared that the question of prize or no prize belonged solely to it, whoever the parties or whatever the place of capture; *Lindo vs. Rodney*, 2 Douglas 613-620 (1782). In 1783 the House of Lords sustained the same view in *Mitchell et al. vs. Rodney and Vaughan*; 2 Brown, *Reports of Cases in Parliament*, 423. *London Chronicle*, November 24-27, 1781.

³ *Letters*, 99, 101; Mundy, II. 79, 80, 112.

⁴ Hansard, XXII. 781.

⁵ The details are given in two pamphlets: *An Explanation of the Case relating to the Capture of St. Eustatius*, London, 1786; and *Saint Eustatius; Facts respecting the Captured Property, and Reasons in Support of a Bill, etc.*, *ibid.*

perse and save themselves. But the French made after the convoy and captured twenty-two of them. Only eight of the merchant vessels, together with the ships of war, succeeded in making their escape into Berehaven Bay.¹

So vanished a part of Rodney's expectations of wealth.² Before the end of the year St. Eustatius itself, which he supposed that Vaughan had made impregnable, was taken by the French. The recapture was planned by the principal French merchant of the place, in conjunction with the Marquis de Bouillé, the energetic governor of Martinique. The marquis landed 1,400 men at an unguarded point of the coast, and easily overcame the small force of 628 which Lieutenant-Colonel Cockburn, the British commander, had at his disposal. Upon Cockburn's trial at the Horse-Guards in 1783 it was testified that he had been offered reënforcements, but replied that he "had vagabonds enough already"; also that he had been warned of the French attack two days before it occurred, but had "damned the information."³ By the mismanagement of Rodney's agents his money at the island, which should have been sent to New York and so home, was detained and confiscated.⁴ The conquest on which he had prided himself as "the greatest blow that Holland and America ever received" ended in disappointment and vexation for him, reversal and odium for his country. But it was left for him, by the memorable victory of the twelfth of April, 1782, to show that, despite mistakes of public policy and faults of private character, he possessed a professional greatness that could lift his name to heights of glory as a naval commander.

J. FRANKLIN JAMESON.

¹ *London Chronicle*, May 15-17, p. 465; another subsequently escaped into Plymouth. *Gazette de Leyde*, May 18, p. 8, May 25, p. 6, May 29, p. 2; *Nederlandsche Mercurius*, L. 212; *Rev. Dipl. Corr.*, IV. 412, 423, 437; Mundy, II. 61; Marshall, *Naval Biography*, I. 106.

² The *London Chronicle*, May 15-17, p. 466, estimates that Rodney and Vaughan will personally lose £300,000 by LaMothe Piquet's captures. The recaptured goods were not restored to the Dutch, as they would have been under the French-Dutch convention of May 1, 1781, but were adjudged to the French recaptors; *Gazette de Leyde*, June 12, pp. 3, 6.

³ Cockburn was cashiered and died soon after. The leading source of information on the recapture is *An Authenticated Copy of the Proceedings on the Trial of Lt.-Col. Cockburn (of the Thirty-Fifth Regiment) for the Loss of the Island of St. Eustatius*, London, 1783.

⁴ *Letters*, 169-171, 174; Mundy, II. 421, 422. The French are said to have got more than £120,000 in cash; *An Authenticated Copy*, p. 172.

DOCUMENTS

Correspondence of the Comte de Moustier with the Comte de Montmorin, 1787-1789.

(First Installment.)

It is not altogether clear why Bancroft in giving in the appendix of his *History of the Constitution* selections from the correspondence of the diplomatic representatives of France in America during the agitation for a better system of government should have stopped where he did, for with 1788, a year critical for the new Constitution, there was begun the correspondence of the Comte de Moustier,¹ from which but a single letter is taken.² This correspondence is instructive not merely because it defines exactly the attitude of the French government toward the project, but also because it reveals the impression which the last months of the Confederation made upon the French minister, and explains the measures which he suggested to protect French interests in case of an utter collapse or of a sudden outbreak of war between France and England. It also touches incidentally the questions which arose between France and the United States. The letters that follow are given chiefly to illustrate the interest that belongs to the correspondence as a whole, while at the same time they have been selected with a view of bringing out the attitude of France toward the attempt to consolidate the new republic, and of showing the embarrassments of diplomacy prior to the organization of an effective central government. There is noticeable even in these few letters a progressive irritation at the Americans. This appears more clearly in other letters written in 1789. Apparently Moustier was ill adapted to his task. He was described in a private letter sent to General Gates as "Distant, haughty, punctilious, and entirely governed by the caprices of a singular, whimsical, hysterical old woman [his sister, Madame de Bréhan] whose delight is in playing with a negro child and caressing a monkey."³ From one of Jefferson's letters it appears that

¹ Éléonore François Élie, comte, afterwards marquis de Moustier; born March 15, 1751, died January 28, 1817. After his mission in the United States was ended he became minister at the court of Berlin. With the overthrow of the monarchy he joined the *émigrés*, not returning to France until the Restoration.

² A letter dated June 5, 1789, Bancroft, II. 495-496.

³ Quoted in *Diary and Letters of Gouverneur Morris*, I. 20.

Moustier's conduct "was politically and morally offensive," and that Jefferson had approached the Comte de Montmorin through Lafayette to urge "that his minister's conduct had rendered him personally odious in America, and might influence the dispositions of the two nations."¹ Montmorin promised to make use of a loose expression in one of Moustier's letters which might be interpreted as a petition for a leave of absence. Moustier really desired a leave of absence because his health had been impaired by the long voyage to America. A little later in 1789 Montmorin informed Jefferson that the formal request for leave had come.² He also told Gouverneur Morris in July that it was not the intention of the French government to allow Moustier to return, but that another more acceptable person would be sent in his place.³

HENRY E. BOURNE.

Instructions to. October 1787.

I. INSTRUCTIONS.⁴

(Archives des Affaires Étrangères, États-Unis, 1777 à 1789, Tome I., folios 421 ff.)

Mémoire pour servir d'Instructions au Sieur Comte de Moustier, Chevalier de l'Ordre royal et militaire de St Louis, allant en Amérique en qualité de Ministre Plénipotentiaire du Roi près le Congrès des Etats-Unis.

Le zèle et la prudence avec lesquels le Sieur Comte de Moustier a rempli les deux Missions que le Roi lui a successivement confiées, ont déterminé Sa Majesté à le nommer son Ministre plénipotentiaire auprès des Etats-Unis de l'Amérique Septentrionale. Cette marque de confiance est d'autant plus flatteuse pour le Comte de Moustier, que Sa Majesté attache un grand prix au maintien de son alliance avec les Etats-Unis, et que la conduite de son représentant peut influer essentiellement sur leurs affections et sur leurs démarches.

Le Comte de Moustier jugera par là qu'il devra s'attacher à fortifier les Américains dans les principes qui les ont engagé à s'unir à la France : il leur fera sentir pour cet effet, qu'ils ne sauroient avoir d'Allié plus naturel que le Roi, tandis qu'ils peuvent être certains que l'Angleterre jalouse leur prospérité, et qu'elle y nuira autant qu'elle en trouvera l'occasion. Cette matière conduira nécessairement le Comte de Moustier à avoir des conversations sur le Commerce, objet qui fixe presque exclusivement l'attention des Américains.

¹ *American Diplomatic Correspondence, 1783-1789*, IV. 62-63.

² *Ibid.*, 94.

³ *Diary and Letters*, I. 139.

⁴ These instructions were accompanied by the letter of transmittal published by Bancroft, *History of the Constitution of the United States*, II. 443-444.

Ils se plaindront probablement du peu de faveur qu' ils prétendront éprouver en France et particulièrement dans nos Iles. Le Comte de Moustier trouvera ci-joint un Mémoire qui le mettra en état de discuter cette matière en pleine connaissance de cause. Cette pièce lui fournira des moyens plus que suffisants pour convaincre les Américains des bonnes intentions du Roi à leur égard, et de son désir de faire prospérer leur Commerce autant que cela se pourra sans préjudicier à celui de ses propres sujets.¹ Au reste le Comte de Moustier ne négligera rien pour acquérir autant de connaissances qu'il pourra sur tous les objets qui pourront contribuer à rendre notre Commerce avec les Etats-Unis aussi avantageux que la nature des choses pourra le comporter. L'administration, n'a pas été suffisamment éclairée jusqu'ici sur cette importante matière ; et il est à craindre que les Américains ne prennent des habitudes qui nous seroient préjudiciables, et dont la France ne pourroit plus les détourner. On a lieu de croire que c'est là le principal objet de la Cour de Londres ; et il est évident que la France perdra tout ce que gagnera la Grande Bretagne.

Ce seroit se tromper volontairement que de supposer que cette puissance ne cherche pas à diminuer les sentiments qui doivent attacher les Etats-Unis à la France, et à opérer insensiblement leur rapprochement de leur ancienne Mère-patrie. Il sera utile que le Ministre du Roi suive la marche des agens anglais, et qu'il fasse ce qui dépendra de lui, mais sans affectation, pour rendre nulles leurs insinuations.

Le Comte de Moustier trouvera sûrement les Américains fort occupés de la fermentation qui règne en ce moment-ci en Europe, et il y a beaucoup d'apparence qu'on cherchera à l'en entretenir, et à connaître par lui le véritable état des choses. Dans ce cas le Comte de Moustier pourra dire, relativement aux affaires de Hollande² qu'elles ont pris inopinément une tournure décidée en faveur du Stathouder par un de ces hazards qu'il est impossible de prévoir, et sur lequel ni la Cour de Berlin, ni celle de Londres ne comptoient, et que les résolutions prises par les Etats de Hollande comme par les généraux sous l'influence des troupes prussiennes, ont empêché Sa Majesté de faire des démonstrations en faveur des patriotes, et qu'Elle s'est déterminée à laisser les choses dans leur état actuel plutôt que de livrer la République aux hor-

¹ Certain concessions were made in December of this year which later excited considerable protest in France. Jefferson's letters in *American Diplomatic Correspondence, 1783-1789*, III. 354 ff. Cf. 364, 375-376, 401 ; IV. 6.

² For this affair see A. Sorel, *L'Europe et la Révolution Française*, I. 360-368.

reurs de la guerre civile, et provoquer en même tems une guerre gen^{le}. A cette réflexion le Comte de Moustier pourra ajouter que le même sentiment qui a engagé le Roi à préserver les Provinces-Unies de la guerre dont elles étoient menacées, l'engage également à faire ce qui dépendra de lui pour empêcher, autant que cela sera compatible avec sa dignité et avec son intérêt, l'explosion de la guerre entre la France et la Grande-Bretagne. Comme il est très probable que l'on parlera au Comte de Moustier des armemens qui se font dans nos ports comme dans ceux de la Grande Bretagne, il pourra répondre que les armemens ordonnés par le Roi ne sont qu'une conséquence nécessaire de ceux ordonnés par la Cour de Londres ; que Sa Majesté les fera cesser dès que l'Angleterre l'aura mise en mesure de le faire sans blesser sa dignité et sans sacrifier ses intérêts, et qu'il y a d'autant plus lieu d'espérer que le désarmement s'effectuera que les mesures hostiles des deux Cours n'ont plus d'objet ; que comme il est impossible néanmoins de prévoir les événements et moins encore de se reposer sur les intentions et sur la bonne foi de la Cour de Londres, l'on ne peut avoir en France aucune certitude du maintien de la paix ; que le Roi compte d'avance que si elle est rompue les Américains tiendront une conduite analogue aux liens qui les attachent à la France, et qu'ils ne se laisseront pas séduire par le langage insidieux qu'il est probable que leur tiendra le Roi de la Grande Bretagne. Cet objet est particulièrement recommandé au zèle et à la vigilance du Ministre du Roi : mais il sentira de lui-même combien il devra mettre de ménagement, de dextérité et de prudence dans son langage et dans sa conduite.

Quant aux affaires du Levant, le Comte de Moustier observera aux personnes qui lui en parleront que malgré la déclaration de guerre faite par les Turcs, le Roi a encore quelque espérance de ramener les choses dans la voie de la conciliation ; que c'est le vœu de l'Imp^{re} de Russie, et que le Roi est dans l'attente de l'effet qu'auront produit les démarches qu'il a prescrites à son Ambassadeur. Le Comte de Moustier pourra ajouter que dans le cas où la Porte persisteroit à vouloir la guerre, il est impossible de prévoir, quant-à-présent, quelle influence elle pourra avoir sur le système politique de l'Europe.

Le Comte de Moustier aura vu dans la correspondance de son prédécesseur et dans celle du S. Otto que le Roi est créancier des Etats-Unis de vingt-quatre millions, et que Sa Maj^{te} est leur garant pour dix millions vis-à-vis des Provinces Unies. On joint ici copie des titres relatifs à ces deux créances. Le Congrès est trop dépourvu de moyens pour qu'on puisse avec espérance de succès le presser pour le paiement

du premier capital ; le Roi ne se flatte même pas de recouvrer de sitôt cette somme : malgré cela il sera utile de la rappeler aux Américains pour qu'ils ne croient pas qu'on l'a perdue de vûe. Il conviendra surtout que le Ministre du Roi les presse pour l'acquittement exact des intérêts : cet article lui est particulièrement recommandé ; il insistera surtout sur les intérêts que le Roi paie en Hollande à la décharge du Congrès.

Le Comte de Moustier connaît les détails relatifs à la querelle subsistant entre les Etats-Unis et l'Espagne concernant la navigation du Mississipi. Il est à présumer que la partie saine du Congrès voit cette discussion avec peine et voudroit la prévenir : mais les Colonies qui se sont établies sur les bords de l'Ohio, deviennent si considérables, que le Congrès sera désormais hors d'état de les contenir, et qu'elles entreprendront, sans son aveu de s'ouvrir un passage vers le golphe du Mexique. Si l'on parle au Comte de Moustier de cet objet, il se bornera à observer que le Roi verroit avec peine que les Etats-Unis se brouillassent avec l'Espagne pour un objet où les principes sont en faveur de cette puissance, et qu'il seroit fort à désirer que les choses pûssent être arrangées à l'amiable. Du reste le Comte de Moustier n'offrira ni des moyens de conciliation, ni les bons offices de Sa Majesté : la question est trop délicate pour qu'il convienne au Roi de s'en mêler : son intervention ne serviroit probablement qu'à le compromettre avec toutes les parties intéressées.

Le Comte de Moustier aura vu dans la correspondance du S. Otto que les Américains sont occupés d'une nouvelle constitution. Cet objet n'intéresse que faiblement la politique du Roi. Sa Majesté pense, d'un côté, que les délibérations n'auront aucun succès par la diversité des affections, des intérêts et des principes des différentes provinces ; de l'autre qu'il convient à la France que les Etats-Unis demeurent dans leur état actuel, parce que s'ils prenoient la consistance dont ils sont susceptibles, ils aquerroient bientôt une force et une puissance dont ils seroient probablement très empressés d'abuser. Malgré cette dernière réflexion le Ministre du Roi aura soin de tenir la conduite la plus passive, de ne se montrer, ni pour, ni contre les nouveaux arrangemens dont on est occupé, et, lorsqu'il sera provoqué, de ne parler que des vœux du Roi et de ses vœux personnels pour la prospérité des Etats-Unis.¹

Le Comte de Moustier trouvera ci-joint des lettres de créance. Il les remettra au Congrès dans la forme accoutumée. Il répétera de vive-voix à cette assemblée les sentiments qui y

¹ Cf. the instructions sent to Otto the previous August, given in Bancroft, *op. cit.*, II. 438-439.

sont exprimés, et il ne négligera aucune occasion d'en renouveler l'assurance. Il trouvera à New-York les chiffres qui devront servir à sa correspondance ordinaire. Il n'en aura sur les affaires politiques comme sur celles de commerce qu'avec le Ministre ayant le Départem^t. des Affaires Etrangères : lorsque néanmoins le service du Roi lui semblera exiger qu'il écrive à d'autres Ministres, il adressera ses lettres sous cachet volant au Département politique.

Fait à Versailles le dix Octobre mil sept-cent quatre-vingt sept.

LOUIS.

Le cte De Montmorin

II. MOUSTIER TO MONTMORIN.

(Archives des Affaires Étrangères, États-Unis, 1788, Tome 33, folios 16 ff.)

No. 1.

A NEW-YORK le 8. Févr. 1788.

rec. le 24 Mars

Monseigneur.

Connoissances que M. le C^{te} de Moustier travaille à acquérir sur la situation actuelle des États-Unis.

Le paquebot dont le départ de cette ville est fixé par l'arrêt du Conseil au 25. de Janvier, n'étant même pas arrivé à cette époque, j'ai profité de ce délai pour acquérir quelques connoissances préliminaires sur la situation actuelle de ce pays-ci. Malgré l'avantage que j'ai eu de recueillir une infinité de renseignemens intéressans et instructifs dans la correspondance de M. le Chev. de la Luzerne, de M. de Marbois et de M. Otto, les affaires présentent ici tant d'aspects différens et sont sujettes à des variations si singulières et si rapides, qu'il est difficile de s'en faire une idée parfaitement juste, si l'on veut les embrasser dans un seul ensemble. Plus on est éloigné, plus il est difficile de les bien juger, ainsi j'ai eu lieu de m'en convaincre en comparant mon opinion sur ces peuples en Europe à celle que je commence à m'en former depuis que je les examine dans le pays, où il me semble qu'on peut uniquement les bien connoître. Je ne me presserai donc pas de fixer mon jugement sur un objet aussi compliqué que celle de prononcer sur la situation actuelle et le sort futur de ces États, ainsi que sur leurs véritables intérêts et les rapports qu'ils peuvent avoir avec les puissances de l'Europe et principalement avec la France.

Lenteur et indifférence pour les affaires de la part des Membres qui composent le Congrès.

Le Congrès n'étoit point assemblé à mon arrivée. Dès qu'il y a eu le nombre d'États représentés, compétent pour former un Congrès, on s'est hâté de nommer un Président. Le choix a tombé sur M. Griffin, Député de la Virginie. On croit que cet empressement a été causé par l'arrivée du Ministre du Roi, à qui le Congrès a voulu se mettre en état de donner audience ; jusqu'à présent il n'est composé que de

sept Etats. Les Députés des autres ne se hâtent point d'arriver. L'Etat de Rhodeisland n'en a pas même nommé. L'indifférence des membres qui composent ou devraient composer cette assemblée apporte une grande lenteur dans l'expédition des affaires.

Insuffisance du Congrès pour contraindre à exécuter ce qu'il prescrit.

Le Congrès qui n'a dû son importance et sa considération qu'à des circonstances qui faisoient sentir aux Américains unis la nécessité d'un pouvoir étendu et actif, a perdu le peu qu'il en avoit conservé, depuis qu'on s'est aperçu qu'il n'avoit aucun moyen d'exercer les droits que la confédération sembloit lui avoir assurés. Aussi cette Assemblée ne peut elle plus être regardée que comme l'ombre d'un pouvoir Souverain. Elle peut délibérer et prescrire mais ne peut point contraindre à l'obéissance. Son insuffisance est généralement reconnue dans l'étendue des Etats-Unis. Malgré l'opinion des personnes qui croient que ces Etats ne sont exposés à l'influence des mouvemens qui pourroient agiter et troubler les puissances de l'Europe, on auroit été bientôt convaincu, que la même foiblesse qui rend le Congrès insuffisant pour gouverner au dedans le rend également incapable de prendre aucune mesure efficace au dehors, si la sagesse et la fermeté du Roi n'avoient prévenu la guerre qui sembloit à la veille d'éclater entre la France et l'Angleterre. Dans la situation actuelle le Congrès ne peut point être utile aux alliés des Etats-Unis et n'est point en état de nuire à leurs ennemis. Sans marine, sans troupes, sans fortifications, sans force coercitive pour les entretenir, il ne pouvoit empêcher que les postes les plus importans ne tombassent au pouvoir du premier occupant.

tableau du denuement absolu des moyens du Congrès pour être utile aux alliés des Etats-Unis et pour se garantir des entreprises des ennemis.

opinion qu'il est impossible que la forme actuelle du gouvernement puisse subsister.

Sans examiner ici si la scission ou la consolidation de ces Etats convient aux puissances de l'Europe et auxquelles l'une ou l'autre conviendrait le plus, je crois qu'il est impossible que la forme actuelle du Gouvernement puisse subsister. Les opinions ne sont point partagées sur la nécessité d'en établir une autre. La diversité des intérêts en cause une grande dans l'idée que différens partis se font sur le mode qu'il convient d'adopter. Vous avés été informé, Monseigneur, par M. Otto de tout ce qui s'est passé pour opérer cette révolution. Je ne doute pas que son rapport ne vous ait paru très satisfaisant et n'ait excité toute votre attention.

Etats qui ont adopté la constitution proposée par la Convention G^{le} de Philadelphie.

La Constitution proposée par la Convention générale de Philadelphie a déjà été acceptée par cinq Etats dans l'ordre suivant ; Delaware, Pennsylvanie, Jersey, Georgie, Connecticut. Les Etats du Newhampshire, de la Caroline, de la Virginie, du Maryland et de Newyork ont fixé les époques de leurs conventions particulières pour examiner la Constitution selon l'invitation du Congrès. Celui de Massachussets délibère actuellement. Les premières apparences y étoient con-

traies à son adoption ; il paroît aujourd'hui que le nombre de ses partisans l'emportera. La décision de cet Etat est infiniment importante parce qu'elle semble devoir influer sur la résolution du Newhampshire et du Rhodeisland et probablement sur celle de quelques autres Etats. Elle doit par conséquent déterminer le sort de la nouvelle Constitution puisqu'il suffit pour l'établir, qu'elle soit adoptée par neuf d'entre eux.

Il est possible, Monseigneur, que la révolution soit achevée lorsque cette dépêche vous parviendra. Les puissances de l'Europe ne sont plus à tems, soit de favoriser, soit de traverser l'adoption de la nouvelle Constitution. Ce qui semble devoir les occuper actuellement c'est de régler leur conduite politique sur un événement qui procureroit aux Etats-Unis la consistance et la vigueur d'un Gouvernement solide et puissant par la réunion de plusieurs pouvoirs opposés les uns aux autres en un seul corps, qui en seroit la source et le dispensateur. On peut présumer que l'Angleterre attend le moment de la décision de la crise actuelle pour prendre un parti définitif à l'égard des Etats-Unis. Sans avoir de représentant ici, elle y a conservé tant de partisans et elle a soin d'y entretenir tant d'Emissaires, qu'elle peut donner toute l'attention que ses intérêts exigent aux mouvemens de ces Etats sans qu'il y paroisse.

Moyens qu' a l'Angleterre par le nombre de ses partisans et de ses émissaires de donner une attention suivie à ce qui se passe aux Etats-Unis.

Etendue du commerce avantageux que l'Ang^{re} fait aux Etats-Unis.

Combinaison qui prouve que c'est avec notre argent que les Etats-Unis payent les marchandises qu'ils tirent de l'Angleterre.

L'effet s'en fait ressentir par l'étendue du Commerce avantageux qu'elle y fait, en fournissant la plupart des objets manufacturés consommés par les Etats-Unis sans s'assujettir à tirer d'eux autant de denrées qu'avant la révolution. Nous en sommes devenus les principaux consommateurs, soit en Europe, soit aux Colonies. Il en résulte que c'est avec notre argent qu'ils payent à l'Angleterre les marchandises qu'ils en tirent. L'administration réalisera sans doute les vues qu'elle a formées pour remédier à cet inconvénient qu'elle a déjà reconnu. J'attendrai pour vous présenter, Monseigneur, mes observations sur le Commerce de cette nouvelle nation que j'aie eu le tems de les bien constater.

Expédient que propose M. le C^{te} de Moustier pour faire fructifier notre commerce avec les Etats-Unis et faire cesser la situation défavorable de nos relations avec ce Pays-là.

Il en est une que je crois ne devoir pas différer de vous soumettre. Je regarde comme d'une importance extrême de porter en France une attention particulière à la façon, à la qualité, aux prix des objets de consommation propres à l'Amérique unie, afin de pouvoir balancer le débit de l'Angleterre. Il me semble qu'en se reposant à cet égard uniquement sur l'activité et l'industrie des Commerçans, notre Commerce court risque d'être pendant longtems aussi passif chés les Américains qu'il l'est aujourd'hui. Quelques unes de nos denrées pourront acquérir plus de débit par les faveurs

qui leur seroient accordées en compensation de celles que le Roi auroit données aux leurs. Mais quant à nos marchandises, si l'on veut en assurer le débit, il faut nécessairement en fournir aux Américains selon leur goût. Je croirois que sans donner aucun privilège exclusif, il seroit infiniment avantageux de pouvoir former une Compagnie de négocians qui suivissent à l'égard du Commerce avec les Etats-Unis les principes que suit pour celui du Levant la chambre de Commerce de Marseille. Sans faire de réglemens, l'administration pourroit exciter les différentes chambres de Commerce du Royaume à donner une attention particulière à cet objet. Si l'on remarquoit aujourd'hui que quelques manufactures sont en souffrance par l'effet de quelques traités de Commerce dans lesquels l'intérêt du royaume¹ pris en masse n'empêche pas les pertes de quelques branches particulières, un moyen de les relever seroit de leur donner un encouragement suffisant pour pouvoir adopter les formes convenables et donner les qualités nécessaires à leurs ouvrages pour être susceptibles de débit dans ce pays-ci. Pour les connoître il suffit d'examiner en Angleterre et en Irlande toutes les marchandises qui s'y fabriquent pour l'Amérique. Il doit être plus facile de changer l'habitude des fabriquans que celle d'un peuple entier, de même qu'il est plus naturel, que ce soit le fabriquant qui se conforme au goût du consommateur que celui-ci au caprice ou à la routine de l'autre.

raisons qui s'opposent
aux progrès des manu-
factures des Etats-Unis.

Plusieurs Etats particuliers ont essayé d'établir des manufactures pour s'affranchir jusqu'à un certain point du tribut qu'ils payent à l'Angleterre. Tout grands que sont leurs efforts et tout considérables que sont les encouragemens qu'ils donnent à ces établissemens, les manufactures de l'Europe doivent l'emporter encore pendant longtems. Trop de causes s'opposent au succès de celles de ce pays-ci du moins quant à leur nombre. Le goût de la propriété domine trop parmi ces peuples nouveaux et la facilité d'en acquérir est trop grande pour qu'ils se livrent au travail des manufactures. La culture des terres offre un champ plus vaste et plus attrayante à leur industrie. L'impulsion est donnée aux habitans des anciens Etats pour se porter vers les riches territoires de l'Ouest. La rapidité de la population y est aussi prodigieuse que la fertilité de cette vaste étendue de pays. Ces raisons empêcheront longtems les manufactures d'y prendre un grand accroissement, de même que la facilité des émigrations des anciens Etats nuit à celles qu'ils ont tenté d'y établir, puisqu'il ne s'y trouvera pas un excédent de bras qu'on pourroit y employer, tant que les hommes qui n'y auroient point de

¹ Particularly the treaty of 1786 with Great Britain.

terrain en propre à cultiver peuvent en acquérir facilement ailleurs. L'avantage que les Européens auront pour le débit de leurs manufactures doit donc durer autant qu'il y aura de terrains à défricher dans la vaste étendue du territoire des Etats-Unis, celles qui n'en profiteront pas ne pourront s'en prendre qu'à elles-mêmes.

Je crois, Monseigneur, qu'en représentant au Conseil Royal des finances et du Commerce la situation défavorable de nos relations avec ce pays-ci où l'Angleterre exerce un monopole de fait sur une infinité de marchandises que nous pourrions également fournir, il s'occupera avec succès de remédier à une situation aussi désavantageuse et aussi éloignée des espérances, qu'on pouvoit former après avoir dépensé des sommes aussi énormes et verser autant de sang pour décider une révolution dont nous n'avons recueilli jusqu'à présent que de la gloire, en abandonnant le profit qu'elle devoit procurer. Je suis avec respect,

Monseigneur,

Votre très humble et très obéissant serviteur

LE C^{TE} DE MOUSTIER.

III. MOUSTIER TO MONTMORIN.

(Archives des Affaires Étrangères, États-Unis, 1788, Tome 33, folios 22 ff.)

No. 2.

A NEWYORK le 10. Février. 1788

rec. le 24 mars.

Monseigneur.

projet que propose M. le C^{te} de Moustier d'envoyer tous les ans hiverner en Amérique les officiers et équipages employés aux Antilles, afin, en cas de guerre, de prévenir par là que les Anglois ne s'emparent les ports des ports Américains.

Utilité d'adopter ce projet cette année.

En portant mon attention sur l'insuffisance du Congrès d'être utile à ses alliés et sur le danger de voir en tems de guerre les postes les plus importants tomber au pouvoir du premier occupant, ainsi que j'ai eu l'honneur de vous le marquer dans ma dépêche précédente, j'ai cherché en même tems quel pouvoit être le moyen de remédier du moins en partie, à cet inconvenient dont les suites pourroient être infiniment facheuses, si l'on n'étoit préparé d'avance à un événement, qui peut arriver au moment le moins attendu, tel que seroit une rupture entre le Roi et la Grande Bretagne.

Le voisinage des Etablissemens Anglois du Nord des Etats-Unis et surtout la position favorable du magnifique port d'Hallifax donneroient immédiatement une supériorité décidée aux premiers sur ces Côtes. Dans la situation actuelle des choses il est certain que nous n'avons point de Commerce à y protéger, mais nous aurions un grand intérêt à ruiner celui que nos rivaux y font avec un si grand avantage. Nous aurions à prévenir le progrès de leur influence sur ce pays, où alors ils pourroient occuper toutes les avenues par où s'entretient

la communication avec l'Europe. Les premières Escadres qui paroitraient sur les côtes des Etats-Unis pourroient s'emparer sans obstacle de Newport et de Sandyhook, y débarquer des troupes et protéger la construction des forts nécessaires pour s'en assurer la possession. La même opération pourroit se répéter partout où elle seroit jugée favorable. Dans cette position l'Angleterre seroit en mesure d'imposer au Commerce et à la navigation des Etats-Unis toutes les entraves qu'elle jugeroit convenables. Elle y acquéreroit une prépondérance qui seroit telle qu'aucune autre puissance ne pourroit la balancer. Elle posséderoit de nouveau, mais avec plus d'étendue et beaucoup moins de frais tous les avantages que lui offroient ses anciennes Colonies, à qui elle laisseroit ses formes Souveraines, comme elle les a laissées aux provinces démembrées de l'Empire du Mogol.

Je crois que si les Escadres du Roi arrivoient les premières, elles pourroient y avoir les mêmes facilités que celles d'Angleterre d'y établir des fortifications, qui leur assureroient la possession des ports, capables de recevoir des vaisseaux de ligne et la supériorité décidée sur des mers qui formeroient alors un intervalle entre les possessions Angloises du Nord de l'Amérique et celles du Golphe du Mexique, au lieu de leur servir de communication, comme elles le feroient si l'Angleterre dominoit sur les Etats-Unis. La différence qu'il pourroit y avoir entre les mêmes opérations faites par l'une ou l'autre puissance seroit que l'Angleterre y mettroit des formes moins favorables que le Roi. De la part de S. M. on pourroit pour maintenir la dignité et la considération du Gouvernement Américain donner l'apparence d'un accord commun et garantir l'évacuation des postes occupés dès que les circonstances qui auroient donné lieu à ces démarches n'existeroient plus. La foiblesse du Congrès ne permettroit guère d'employer en négociation et en délibération un tems dont tous les instants seroient précieux pour l'action. J'ignore à quel point pourroient se réaliser les conjonctures, qu'on peut former sur le parti de vigueur, que prendroit l'Angleterre dans le cas de l'événement, dont la supposition peut toujours avoir lieu pour un terme plus ou moins éloigné. Ce qui me paroît moins douteux, c'est que si les ports des Etats-Unis couroient risque d'être occupés par les Anglois, il seroit préférable que nous les gagnassions de vitesse. Mais je supposerai en même tems, ce qui est tout aussi possible et peut-être plus probable, que les Etats-Unis puissent jouir pendant le cours d'une guerre qui éclateroit entre la France et l'Angleterre d'une neutralité qui seroit principalement à leur avantage, il n'en est pas moins certain que dans tous les cas il est de la plus grande importance, que les mers, les côtes et les

ports des Etats-Unis soient parfaitement connus de nos marins.

Les circonstances, dans lesquelles ont été rédigées des cartes de la Marine pour les Mers de l'Amérique Septentrionale et principalement pour celles des Etats-Unis n'ont pas permis de les faire avec toute l'exactitude et l'étendue désirables. J'ai eu lieu de m'en convaincre relativement à la carte, sur laquelle se trouve marquée très succinctement et imparfaitement l'entrée de Sandyhook. Il me semble qu'il seroit possible de se procurer à peu de frais une Collection de Cartes aussi complètes qu'étendues en chargeant de leur rédaction les Officiers du Roi, employés sur les Vaisseaux et Frégates de la Station des Antilles, qu'il seroit sans doute aussi utile pour eux, qu'avantageux politiquement, en considérant le bon effet qui en résulteroit dans ce pays-ci, de faire passer le tems de l'hivernage dans les ports des Etats-Unis. Il seroit facile d'acquérir à bon marché de petits bâtimens, construits dans ce pays-ci, pour être en état d'approcher partout des côtes et de pénétrer dans toutes les criques et passes afin de marquer les sondes avec la plus grande exactitude. Ce seroit en même tems un moyen de former des pilotes propres à servir utilement sur ces côtes dans tous les cas, où l'on ne seroit pas certain d'avoir un nombre suffisant de pilotes côtiers à sa disposition. Aux Cartes on joindroit une foule d'observations importantes sur la navigation de ces Mers et qui ne sont sûrement pas généralement connues à n'en juger que par l'ignorance, où l'on étoit dans la Frégate, par laquelle j'ai passé, même avec le secours des Cartes de la Marine et des instructions de la Cour, sur plusieurs détails, dont j'ai bien reconnu l'importance par les informations, que j'ai reçues à cet égard depuis mon arrivée.

Vous aurés été instruit plus particulièrement, Monseigneur, de la sensation favorable qu'a produite l'année dernière à Boston le séjour de l'Escadre commandée par M. le V^o de Beaumont. Si, comme je le présume, le Roi décide que pour la conservation et l'instruction des Officiers et des équipages qui sont employés dans la station des Antilles, ses Escadres viennent tous les ans passer le tems de l'hivernage dans l'Amérique Septentrionale, peut-être paroitra-t-il, convenable au but de S. M. de leur faire changer chaque année de port. Dans ce cas je crois que plusieurs motifs doivent faire désirer que dès cette année ce soit dans ce port-ci, que se fasse la station du prochain hivernage. C'est ici que réside le Congrès, c'est ici que les François sont le moins connus, c'est ici, que règne une plus grande inclination pour les Anglois qui y ont fait un si long séjour et qui y ont formé un grand nombre de partisans. C'est ici, qu'il est le plus important de don-

ner une idée favorable de notre nation et de la puissance du Roi, ce qui ne peut se faire que par l'apparition d'une Escadre bien dirigée et bien composée, ainsi qu'il paroît que l'étoit celle de M. le V^e de Beaumont, d'après les éloges que j'en ai entendu faire même ici. Vous avez connoissance, Monseigneur, des idées ridicules que les Anglois étoient parvenus à donner des François, avant que les Américains en eussent vû chez eux un grand nombre, qui tous y ont produit une sensation favorable. Cependant les anciennes impressions étoient si bien établies, qu' il s'est trouvé pendant longtemps des gens qui ont crû, et qu'on en trouveroit encore aujourd'hui, qui croient, que l'armée commandée par M. le C^{te} de Rochambeau avoit été une troupe d'élite, choisie exprès dans toute la nation pour en donner une idée avantageuse, quoique fausse aux Américains. Il me paroît également intéressant de détruire tous préjugés, qui peuvent nous être contraires, de rapprocher les deux nations et de procurer réciproquement à chacune des notions exactes et favorables l'une à l'égard de l'autre. L'apparition et le séjour des Escadres du Roi dans les ports des Etats-Unis offrent un moyen aussi simple et facile, qu'il seroit salutaire sous un autre rapport. Peut-être les affaires de ce pays-ci auront-elles pris à l'époque de l'hivernage une tournure imprévue et telle qu'il seroit particulièrement utile aux succès de nos vues, que le Roi pourroit avoir alors, qu'il se trouvat précisément dans ce moment une Escadre ici, capable de seconder, uniquement par sa présence, les démarches qu'il seroit convenable que je fisse. Ne voyant aucun inconvénient et trouvant beaucoup d'avantages au séjour d'une Escadre Française ici, je vous sou mets, Monseigneur, de juger s'il ne conviendrait pas de proposer que cet arrangement ait lieu cette année même pour le port de Newyork.

Je suis avec respect, Monseigneur,
Votre très humble et très obéissant
serviteur

LE C^{te} DE MOUSTIER.

IV. MOUSTIER TO MONTMORIN.

(Archives des Affaires Etrangères, États-Unis, 1788, Tome 33,
folios 30 ff.)

No. 3.

A NEWYORK le 12. Février. 1788
rec. le 24 mars.

Monseigneur,

Le soin, qu'a exigé ma santé dans les premiers jours, qui ont suivi mon arrivée, m'avoit fait différer la demande de l'audience du Congrès pour remettre à cette Assemblée mes

Circonstances qui retardent la première audience de M. le C^{te} de Moustier.

lettres de Créance. Je désirois aussi, qu'il fut composé d'un plus grand nombre d'Etats, afin que l'audience fut plus marquante. Cependant la crainte qu'un trop grand retard ne produisit une sensation défavorable, m'a décidé à faire cette demande par une lettre que j'ai adressée le 4. de ce mois à M. Jay, Secrétaire d'Etat pour les affaires étrangères.

Le Cérémonial à l'égard des Ministres étrangers n'a jamais été bien réglé depuis l'établissement de la souveraineté des Etats-Unis. La réception de M. Gérard, le premier qui parut parmi eux revêtu de ce caractère, a été faite avec des démonstrations particulières de reconnaissance pour le Roi et de satisfaction de la part du Congrès. M. le Chevalier de la Luzerne avoit déjà éprouvé un changement. M^r Van Berkel, Ministre Plénip^{re} des Etats Généraux a été reçu à peu près avec le même cérémonial, il a été mixte pour M. Gardoqui, à qui ses lettres de créance, signées par le Roi d'Espagne ne donnent que le titre de Chargé d'Affaires quoiqu'une Lettre particulière signée également par S. M. Cath. lui accorde des pleins pouvoirs sans le qualifier de Ministre. Les résolutions du Congrès à cet égard ont varié, ainsi que sur bien d'autres objets. Ne voyant par conséquent aucun règlement bien déterminé, j'ai pris le parti de demander à M. Jay la communication de celui, que j'ai supposé existant, en lui observant que je présumois qu'il seroit semblable à celui de mes prédécesseurs.¹

J'ignore ce qui peut retarder la réponse à ma demande. Le Congrès n'étant encore composé que de 7. Etats il est déjà arrivé qu'un Député d'un Etat représenté uniquement par deux membres étant incommode, et n'ayant pu se rendre au Congrès, la séance n'a pas eu lieu. Il faut que la réponse de M. Jay soit fondée sur une résolution de cette Assemblée, mais je n'ai aucun motif de la presser.

Le règlement du cérémonial prescrit de communiquer d'avance au Congrès le discours d'un Ministre étranger, afin qu'on puisse délibérer sur la réponse qui doit lui être faite et qui lui est également communiquée d'avance. Je vous avoue, Monseigneur, que je me suis trouvé dans quelque embarras à ce sujet. Une partie des peuples des Etats-Unis ont pu croire, que la révolution qui se prépare dans leur gouvernement fédéral a dû exiter l'attention du Roi et que l'arrivée du Ministre de S. M. en est une preuve. Je sais même que plusieurs partisans de la nouvelle Constitution, qui sont sans contredit les personnages les plus accrédités et les plus considérables des Etats-Unis, s'attendent à me voir prendre un

¹ See *Am. Dip. Corr.*, 1783-1789, I. 341-343. Cf. Washington's controversy with Moustier over another question of diplomatic etiquette, *The Writings of Washington* (Sparks ed.), X, 8-11, and appendix III.

opinion accréditée contre l'intérêt que le Roi prend à la prospérité des Etats-Unis.
Principes que M. Jay impute à ce sujet à M. le C^{te} de Vergennes.

parti dans cet événement. D'une part mes instructions me prescrivent une conduite passive et la plus grande circonspection à cet égard, de l'autre la Constitution prend chaque jour plus de faveur et paroît devoir être adoptée par la majorité et peut-être par la généralité des Etats-Unis. J'ai cherché à me conformer également à mes instructions et à ce que les circonstances actuelles, que le Conseil du Roi n'a pas pû prévoir, semblent exiger, afin d'éviter de donner trop de consistance à l'opinion déjà fortement établie que le Roi a retiré tout son intérêt à la République Américaine, que ses succès non seulement lui sont indifférens, mais lui feroient même ombrage et qu'enfin S. M. n'a jamais eu d'autre but, que de voir ces Etats se détacher de la Grande-Bretagne sans désirer en aucune manière de les voir prospérer. M. Jay m'a parlé sur ce sujet avec beaucoup de franchise. Il prétend avoir des preuves que cette opinion est fondée, mais il a ajouté pour correctif qu'il pense que cette politique à l'égard des Etats-Unis étoit particulièrement celle de M. le C^{te} de Vergennes, contre qui il m'a témoigné la plus forte prévention. Il s'est en même tems infiniment loué, Monseigneur, des sentimens et des dispositions favorables qu'il m'a dit avoir reconnues en vous dans le tems où il a eu l'honneur de vous voir.

opinion que la nouvelle Constitution américaine ne tardera pas à être adoptée.
intérêt qu'il y auroit à détruire l'opinion que le Roi ne s'intéresse point à la prospérité des Etats-Unis.

Si la nouvelle Constitution est adoptée, comme il paroît qu'elle ne tardera pas à l'être, et que le Congrès en vertu de sa nouvelle forme acquière un pouvoir suffisant pour donner de la solidité et de l'efficacité à ses liaisons politiques, il seroit, à ce que je crois, de la plus facheuse consequence de laisser subsister et prévaloir l'opinion que le Roi ne s'intéresse pas réellement à la prospérité des Etats-Unis. L'effet en seroit de voir donner à l'Angleterre la confiance qu'on auroit retirée à la France, de faire de la première une alliée et de regarder l'autre comme une puissance jalouse. Je désire que les expressions de mon discours auquel j'ai cependant évité de donner trop de force, puissent servir à changer cette opinion et devenir susceptibles de l'interprétation la plus convenable aux intérêts du Roi selon les circonstances futures. J'en ai puisé le sens tant dans mes lettres de créance que dans mes instructions, dans lesquelles il est expressément marqué que *S. M. attache un grand prix au maintien de son alliance avec les Etats-Unis.* Cependant c'est sur le terme d'*Alliance*, que j'ai observé, que M. Jay s'est uniquement arrêté en lisant mon discours, dont je lui ai donné confidentiellement communication avant de le faire officiellement. Il m'a paru douter que l'Alliance entre le Roi et les Etats-Unis subsistât depuis la paix, jugeant, m'a-t-il dit, que tel aussi étoit le sentiment de ma Cour et que le traité de 1778. n'avoit été considéré que comme un moyen d'assurer l'indépendance des

M. le C^{te} de Moustier communique à M. Jay le discours qu'il doit prononcer à sa première audience.

M. Jay prétend être en droit de douter que l'Alliance entre le Roi et les Etats-Unis subsiste depuis la paix.

Etats-Unis. C'est de cette manière que s'étoit engagée la conversation, dont je viens de rapporter la substance. En attendant que je puisse être instruit de l'avis du Roi et de son Conseil sur l'Alliance, je crois que je dois paroître ne pas douter, qu'elle n'existe en son entier et me montrer convaincu que jamais le Roi n'a cessé de s'intéresser à la prospérité des Etats-Unis. Dès que j'aurai reçu la confirmation des avantages que S. M. est disposée à accorder à leur Commerce, j'en ferai usage pour détruire tant que je pourrai des préventions qu'on ne peut regarder que comme très nuisible.

motif pour la France de donner attention au désir que marquent les Américains d'obtenir des facilités pour commercer avec les Antilles françaises — Compensation qu'il seroit possible de trouver.

Dans quelques conversations que j'ai eues avec différentes personnes relativement au Commerce entre les deux Nations, j'ai remarqué combien cet objet intéressoit un grand nombre d'Américains. Il n'occupe pas seulement les négocians, mais les planteurs qui ont besoin de débouchés pour leurs denrées. Les Antilles leur paroissent offrir le plus convenable. Ils ne peuvent assurément pas prétendre légitimement à un Commerce, qui tariroit pour nous la source d'un revenu public immense ; mais en attendant que les circonstances soient favorables à leurs désirs et que l'on puisse concilier à la fois l'intérêt du Roi, celui du Commerce du Royaume, celui des Colons et celui des Américains, ceux-ci trouvent moyen de faire dans nos îles une contrebande immense tant d'importation que d'exportation. L'expérience semble avoir convaincu le gouvernement François et celui de l'Angleterre que lorsque la contrebande est poussée à un certain degré et qu'il est devenu en quelque sorte impossible de l'arrêter, il est prudent de faire des réglemens de Commerce pour autoriser sous de certaines restrictions ce qu'on ne peut empêcher. C'est d'après ce principe que je pense que le désir que marquent les Américains unis, d'obtenir plus de facilités pour commercer avec les Antilles Françaises pourroit fixer de nouveau l'attention de l'administration. Peut-être seroit-il possible de trouver une compensation dans des droits perçus aux îles pour ce qui seroit perçu en moins aux douanes du Royaume. Probablement on obtiendrait des Américains des faveurs commerciales, en vertu desquelles les négocians seroient en état de suivre de nouvelles branches qui les dédommageroient de ce qu'ils croiroient perdre par un nouveau régime adopté pour le Commerce des îles. Je me propose de traiter avec plus d'étendue cette question importante : surtout à la veille de la révolution qui s'opère dans le Gouvernement fédéral. Elle sera l'objet des observations que j'aurai soin de rassembler sur le Commerce des Etats-Unis.

Je suis avec respect, Monseigneur,

Votre très humble et très obéissant serviteur

LE C^{TE} DE MOUSTIER.

V. MOUSTIER TO MONTMORIN.

(Archives des Affaires Étrangères, États-Unis, 1788, Tome 33, folios 162 ff.)

No. 10.

A NEWYORK le 21. Avril 1788.

rec. le 25 mai

Monseigneur.

Publication de l'arrêt du Conseil et de la lettre de M^r le Contrôleur Gn^{al} relatifs au Commerce. Sensation que ces deux pièces ont faites.

L'arrêt¹ du Conseil et la Lettre de M. le Contrôleur Général, relatifs au Commerce des États-Unis avec le Royaume, m'étant parvenus, j'ai rendu ces deux pièces publiques par la voye des gazettes. Selon les informations que j'ai prises, elles ont fait ici une agréable sensation, mais moins grande à raison de l'attente où l'on était généralement sur cet arrêt, dont l'objet étoit déjà connu par la lettre de M. de Calonne à M. Jefferson. Les Américains sont d'ailleurs habitués à s'exagérer un peu leur importance et à croire qu'ils peuvent prétendre aux plus grandes faveurs de la part du Roi sans même songer à la difficulté d'offrir des avantages qui puissent entrer en compensation. En partant de ce principe ce n'est guère que parmi les gens éclairés, qui forment le plus petit nombre qu'on peut trouver soit de la reconnaissance réelle, ou du moins des démonstrations pour les services rendus aux Américains depuis leur Union avec la nation. Le plus grand nombre songe bien plus à demander encore, qu'à remercier de ce qui est accordé. Tous en général ne cessent de porter leurs vues sur une plus grande liberté de Commerce aux Antilles, où ils voudroient que les farines américaines fussent admises et d'où ils voudroient tirer directement le sucre et le café. Ce désir sera plus vivement exprimé de leur part à mesure que la surveillance des préposés aux douanes des Antilles sera plus efficace. Dans des momens on croiroit à les entendre, que tout ce qu'ils ont obtenu leur étoit dû et que tout refus d'accorder davantage est une injustice. Je ne suis point ici dans le Canton intéressé au Commerce du tabac, mais à en juger par le sentiment des Délégués du Sud, les intéressés auront encore des réclamations à faire.

désir général d'une plus grande liberté de Commerce aux Antilles. De l'admission des farines américaines dans ces Isles et de l'importation directe du sucre et du café.

Attente de nouvelles réclamations de la part des intéressés au Commerce du tabac.

Je n'anticiperai point ici sur les observations que je me propose, Monseigneur, d'avoir l'honneur de vous soumettre sur le Commerce des États-Unis. Je reconnois de plus en plus la nécessité de ne point précipiter mon rapport. Il me paroît d'ailleurs qu'à l'égard des Négocians François, il ne peut y avoir aucun inconvénient s'ils agissent lentement et avec une grande circonspection. Quant aux Américains, tant que leurs habitudes en faveur des marchandises Angloises subsisteront, la principale règle pour favoriser l'importation de leurs

nul inconvénient à ce que les Négocians François agissent avec lenteur et circonspection, l'état actuel du Commerce des deux Nations ne contribuant point du débit des manufactures françaises.

¹ See references to this already given, p. 711.

denrées sera la mesure du besoin, qu'on en aura dans le Royaume. Dans l'état actuel le Commerce entre les deux nations ne contribue pas à l'accroissement de la navigation Française, ni au débit des manufactures du Royaume.

Il est intéressant pour nous que les Etats Américains sortent de l'indécision politique où ils sont. Soit que la nouvelle Constitution soit adoptée ou que la confédération déjà bien affoiblie cesse tout à fait, l'on saura du moins à qui l'on aura à faire. Aujourd'hui que l'on conserve un reste d'égards pour le Congrès, qui de son côté a encore un reste d'apparence de corps fédéral, on ne peut recevoir de sa part que des demandes pour lesquelles il n'a à rendre que des *résolutions réquisitions* et *recommandations* sans aucun moyen de leur donner du poids, ni d'assurer leur effet. Vous jugerés d'après cela, Monseigneur, que la partie n'est pas égale entre nous et quel avantage a M. Jefferson, qui peut toujours demander et solliciter, mais qui ne peut positivement rien promettre. Ce Ministre est sans doute un excellent citoyen Américain et du nombre de ceux qui croient qu'il est de l'intérêt de sa nation d'être très unie avec la nôtre, ce que je pense ainsi que lui, mais comme les faits prouvent que cette opinion n'est pas à beaucoup près généralement établie en Amérique, il me semble qu'il ne peut point y avoir de motif d'accorder aux Américains avec trop de facilité, ni de quelque tems, aucune faveur ultérieure purement gratuite.

L'état de foiblesse actuelle du Congrès subsistant, forcera à traiter des objets du Commerce avec chaque Etat en particulier puisque chacun fait des loix à cet égard sans sanction.

Attention à entretenir quelques Américains dans leurs dispositions favorables en leur confirmant les bonnes intentions du Roy pour leur Nation.

utilité du voyage que M. le C^{te} de Moustier se propose de faire pendant l'été dans l'intérieur.

Si le nouveau Gouvernement s'établit nous pourrons traiter avec lui à ce que je présume avec sûreté et avantage. Si le Congrès se dissout ou qu'il reste dans l'état de foiblesse, où il est, je crois que nous serons obligés de traiter particulièrement avec chaque Etat sur les objets de Commerce, puisque chacun s'avise de faire des loix à cet égard sans consulter ni écouter le Congrès. Il est impossible dans les circonstances actuelles de rien entreprendre avec ce corps absolument inerte. En attendant je fais valoir, tant que je puis, les faveurs accordées par le Roi, les bonnes intentions de S. M., l'attachement de notre nation pour les Etats-Unis et j'entretiens de mon mieux les dispositions favorables, que je remarque dans quelques Américains ; conduite que j'aurai soin d'observer dans les voyages que je me propose de faire dans l'intérieur pendant cet été et dont je sens toute l'utilité dans les circonstances actuelles et éventuelles.

D'après les offres de service que m'a faites le G^{al} Washington je lui ai adressé quelques questions relatives au Commerce de ce pays-ci, sur lesquelles il me promet des éclaircissements. Ensuite il ajoute : " Il me semble que le goût du " public pour les marchandises Françaises augmente. Il y a

observations que lui a faites le G'n'al Washington sur des questions relatives au Commerce.

“ cependant trois points qui donnent aux marchands Anglois
“ un avantage sur tous les autres :

“ 1°, les longs crédits, qu'ils accordent et que je voudrois
“ voir abolis. 2°, un dépôt de toutes les marchandises qu'on
“ peut désirer, concentrées dans la même ville. 3°, une con-
“ noissance parfaite des objets manufacturés qui conviennent
“ aux Américains. La réflexion et l'expérience mettront les
“ négocians François en état de surmonter ces obstacles.”
Ces observations ont servi à me confirmer dans l'opinion
semblable où j'étois déjà sur les mêmes points.

Je suis avec respect,

Monseigneur,

Votre très humble et très obéissant serviteur,

LE C^{TE} DE MOUSTIER.

VI. MONTMORIN TO MOUSTIER.

(Archives des Affaires Étrangères, États-Unis, 1788,
Tome 33, folios 208 ff.)

NO. 1.

A VERS^{LES} le 23. Juin 1788.

M. le C^{te} de Moustier

approbation donnée par le Roi au discours de M. le C^{te} de Moustier lors de sa 1^{ère} audience, ainsi que du parti qu'il a pris de se soumettre au cérémonial qui lui a été proposé — réflexion sur ce cérémonial.

J'ai reçu, M, les dépêches que vous m'avez fait l'honneur de m'écrire depuis le N° 1 jusqu'à 10 inclusivement.¹

Le Roi, M, a donné une entière approbation au discours que vous avez tenu lors de votre première audience ; Sa M^{te} a également approuvé le parti que vous avez pris de vous soumettre au cérémonial qui vous a été proposé. Il faut convenir toute fois, que ce cérémonial est bien exigeant, et bien peu analogue à celui qui est reçu dans les Etats républicains en Europe. Aussi est-il à présumer que l'on s' occupera à le réformer si la nouvelle Constitution est adoptée comme tout semble l'annoncer.

sentiment sur la Constitution actuelle des Etats-Unis et sur la nouvelle qui est près d'être adoptée

Ce seroit, M, se livrer à une discussion inutile que d'examiner si le changement qu'amènera cette constitution nous conviendra ou non, et si nous devons faire ou non des démarches pour le prévenir. Dans l'état où semble les choses nous devons nous en tenir au résultat, qui est : que si la nouvelle Constitution est introduite, la confédération américaine acquerera une force et une énergie qu'elle n'a pas eues et qu'elle n'a pû avoir jusqu'à présent ; et que si la Constitution ancienne est maintenue, la Rép. des 13. Etats unis ne sera qu'un phantôme, le congrès qu'un être de raison, et, comme vous l'observez, nous serons forcés de traiter de nos intérêts avec chaque Etat en particulier. La réserve qui vous a été prescrite sur cette matière, M, a pour base la

motif de la réserve prescrite à M. le C^{te} de Moustier sur la nouvelle Constitution.

¹ It is noteworthy that Montmorin does not refer to Moustier's scheme for the seizure of New York and Newport.

raison des préventions de M. Jay contre M. le C^{te} de Vergennes.

M. Jay soupçonné d'Anglomanie ou au moins de peu d'affection pour la France—sa jalousie contre M^r Franklin.

réfutation de l'opinion où est M. Jay que l'Alliance entre le Roi et les Etats-Unis ne subsiste plus.

assurance à donner à M. Jay que le Roi regarde son alliance avec les Etats-Unis inaltérable — Détails de l'intérêt que S. M. prend à leur prospérité.

résolution invariable du Roi de ne point s'immiscer dans les affaires intérieures des Etats-Unis : cette réserve est un hommage que Sa M^{te} rend à leur indépendance, et non une preuve d'indifférence de sa part. Si, comme je n'en doute pas, vous vous êtes expliqué dans ce sens avec M^r Jay, vous l'aurez sûrement fait revenir de l'erreur où il a paru être. Au reste, M, je ne suis pas étonné des préventions de ce Ministre Américain à l'égard de M. le C^{te} de Vergennes. Je sais que M^r Jay a été très exigeant, et qu'il prenoit de l'humeur contre quiconque se montrait opposé à ses demandes ; d'ailleurs il a toujours été soupçonné d'avoir un reste d'anglomanie ou du moins peu d'affection pour la France, et son sentiment prédominant étoit sa jalousie contre M^r Franklin, avec de pareilles dispositions il n'est pas étonnant que M. Jay ait été et qu'il soit encore injuste à l'égard de M. le C^{te} de Vergennes, malgré les importants services que ce dernier a rendus aux Américains. Quant à moi je n'ai jamais été dans le cas d'avoir des discussions avec M^r Jay durant mon séjour en Espagne, je lui faisois accueil ; je secondois ses démarches autant que cela pouvoit dépendre de moi ; d'après cela il est assez naturel qu'il ne se plaigne pas de moi : mais je doute qu'il en soit de même à l'égard de M^r le C^{te} de Floride Blanche. Au reste, M, toutes ces observations sont pour vous seul, et vous n'avez aucun usage à en faire auprès de qui que ce puisse être.

Le Roi et son conseil, M, ont été singulièrement étonnés de l'opinion où est M. Jay que l'Alliance entre le Roi et les Etats-Unis ne subsiste plus. Ce Ministre a donc oublié les termes dans lesquels cette Alliance a été conçue : s'il veut bien relire le traité du 6. février 1778 et se convaincre qu'elle est perpétuelle ; ou bien suppose-t-il que le Roi y a dérogé : je ne connois cependant de la part de Sa M^{te} qu'une accumulation de faveurs pour le commerce américain. Il est vrai que l'on voudroit que nous sacrifiassions à ce commerce nos intérêts les plus précieux ; et c'est probablement parce que nous n'avons pas la foiblesse de nous prêter à tant d'exigences, que l'on nous accuse non seulement d'indifférence, mais même d'avoir abandonné l'alliance. Il convient, M, que vous rectifiez les idées de M. Jay sur ces différents objets : vous l'assurerez que le Roi regarde son alliance avec les Etats-Unis comme inaltérable ; que Sa M^{te} a toujours pris et qu'elle ne cessera de prendre un intérêt véritable à leur prospérité, et que Sa M^{te} continuera à y contribuer autant qu'elle le pourra sans préjudice à ses propres intérêts. Voilà, M, la doctrine que vous devez faire germer et que le Conseil du Roi a été surpris de voir si mal établie.

manière dont M. le C^{te} de Moustier doit s'expliquer sur la nouvelle Constitution.

Quant à la nouvelle constitution vous vous abstenrez de l'apprécier : mais vous pouvez dire que le Roi verra avec satisfaction toutes les dispositions qui seront propres à assurer et consolider l'existence politique, la tranquillité et le bonheur les Etats-Unis.

approbation des observations de M. de Moustier sur nos rapports de Commerce avec les Américains.

Vos observations, M, sur nos rapports de Commerce avec les Américains sont très justes : c'est au fabricant à se plier au goût du consommateur, et non à celui-ci à recevoir la loi du fabricant : il faut espérer que cette vérité sera sentie de plus en plus : l'administration fera ce qui dépendra d'elle pour la faire fructifier. Je vois avec plaisir, M, que vous vous êtes déjà occupé d'une matière aussi importante, et je n'en aurai pas moins à recevoir les observations qu'elle vous fournira.

mauvaise volonté de M. Jay d'où résultent les difficultés qu'éprouve la Convention relative aux Consuls.

redressement de l'erreur où est M. de Moustier que la convention aurait pu être conclue en Amérique en 1782.

raison qui prouve que la négociation relative aux Consuls a dû être discutée à Versailles.

Quant à la convention relative aux consuls,¹ elle éprouve des difficultés qui ne sont dues qu'à la mauvaise volonté de M. Jay ; et à son envie de nuire à la réputation de M. Franklin. Je crois devoir vous observer, M, que vous êtes dans l'erreur en supposant que cette même convention aurait pu être conclue en Amérique en 1782, et que le siège de la négociation étoit à Philadelphie : M. de la Luzerne n'a été chargé que de sonder la disposition des esprits, et jamais l'intention du Roi n'a été de traiter autrement que sous ses yeux. Le Congrès a beau faire des résolutions elles ne nous forceront pas la main sur la marche que nous trouvons convenable de faire tenir aux affaires. Le règlement des fonctions circulaires est d'un avantage commun ; on est convenu de le faire lors du traité d'amitié et de commerce ; il étoit naturel de le discuter à Versailles, et non en Amérique où ces sortes de matières ne sont pas encore connues. Quoiqu'il en soit, M, il est tems de terminer cette fastidieuse discussion ; et je crois que le moyen le plus simple sera de conserver la convention en déclarant de part et d'autre, qu'elle ne durera que 10. ans. Je m'en expliquerai dans ce sens avec M. Jefferson en le priant de solliciter une résolution définitive de la part de ses supérieurs. Il est autant de l'intérêt des Américains que du nôtre de prémunir notre commerce respectif contre les vexations et les abus d'autorité ; ainsi la convention dont il s'agit les intéresse autant que nous ; c'est ce que je vous prie d'observer à M. Jay ; vous lui observerez également que toutes les stipulations de la convention étant réciproques ; nous ne voyons pas en quoi elle peut blesser la dignité et l'absolue souveraineté des Etats-Unis : si cela étoit ainsi, elle blesseroit de même la souveraineté de Sa M^{te} ; et ce sentiment ne l'a nullement frappé.

moyen le plus simple de terminer la négociation relative aux Consuls

¹ For the later phases of this negotiation see *Am. Dip. Corr.*, 1783-1789, III. 288-289, 416-423, 455-507 ; I. 382 ff.

Instructions qui seront concertées avec M. le C^{te} de la Luzerne relativement à l'incident auquel a donné lieu le vol fait par un matelot de la frégatte l'Aigrette.

Je présume, M, que le Conseil aura rendu compte à M. le C^{te} de la Luzerne de l'incident auquel a donné lieu le vol d'une montre fait par un matelot de l'*Aigrette*; je concerterai avec ce Ministre les instructions qu'il conviendra de vous donner sur cet objet, et sur les cas semblables qui pourroient encore se présenter. Je pense que l'on auroit bien fait de prévenir toute discussion en se hâtant de satisfaire la partie civile.

Communication que M. Jefferson vient de nous donner de ses pleinpouvoirs pour traiter l'affaire des Consuls.

P. S. M. Jefferson vient de me communiquer les pleinpouvoirs qui lui ont été adressés pour traiter l'affaire des Consuls; nous ne tarderons pas à nous occuper de cet objet.

VII. MOUSTIER TO MONTMORIN.

(Archives des Affaires Étrangères, États-Unis, 1788, Tome 33, folios 214 ff.)

A NEWYORK le 25. Juin 1788
rec. le 26. septembre.

No. 15.

Monseigneur

difficulté qu'éprouve la formation du nouveau Gouvernement.

Le grand objet, qui fixe aujourd'hui l'attention des États-Unis, acquiert un nouveau degré d'intérêt par la difficulté, qu'éprouve la formation du nouveau Gouvernement, au moment où ses partisans en croioient le succès le plus assuré. Trois États sont aujourd'hui assemblés en convention pour prononcer sur la nouvelle Constitution; à peine fait-on attention au Newhampshire; son suffrage seroit à la vérité suffisant pour compléter les neuf, qui doivent déterminer le changement du Gouvernement fédéral, mais il n'est pas probable qu'il eut aucune influence sur la décision de l'État de Virginie ni sur celui de Newyork. Les antifédéralistes paroissent gagner du terrain dans le premier et ils ont une majorité reconnue dans l'autre. Les Chefs de ce parti s'y montrent à découvert. Il y a de l'animosité de part et d'autre en Virginie. Je me borne à vous nommer un seul chef de parti de cet État, M^r. Patrick Henri, parcequ'il mérite d'être distingué de tous les autres par ses talens, son ambition et son influence sur le peuple. Son système seroit de détacher son État de la confédération. S'il entraîne les suffrages du peuple de l'intérieur et qu'il y réunisse ceux de la Caroline du Nord, qui doit se former en Convention la dernière, il pourroit former une masse assez forte pour se soutenir contre les efforts du parti contraire à son système.

Le système de M. Patrick Henri seroit de détacher la Virginie de la Confédération.

Dans cet État-ci l'opinion des Antifédéralistes est positivement en faveur de la séparation. Ils prétendent qu'il lui convient de former un Gouvernement particulier et de ne point se mêler de longtems des affaires de l'Europe, avec laquelle ils ne devroient même avoir que peu de liaisons de

L'opinion des antifédéralistes de Newyork est en faveur de la séparation.

commerce, qui ne peut leur fournir que des objets de luxe, dont ils devraient se passer pour vivre avec la simplicité qui convient à un Etat naissant.

dans le cas d'une scission parmi les Etats Américains nos combinaisons avec eux resteroient les mêmes.

Dans le cas où l'un des deux Etats ci-dessus ou tous les deux se détacheroient de la Confédération générale, les combinaisons avec les Etats Américains, qui ne seroient plus les Etats-Unis seroient d'une nature différente que dans la situation actuelle, où les puissances étrangères ne reconnoissent encore qu'un seul corps représentatif de la Souveraineté générale. Celles du Roi seroient essentiellement les mêmes, car tout se réduit à acheter des Etats Américains, unis ou non, les denrées, qui peuvent convenir, et à leur fournir les marchandises, qui peuvent servir d'échange à ces denrées. Dans des tems de crise les ports Américains seroient encore plus exposés qu'ils ne le sont aujourd'hui, à appartenir au premier occupant, ainsi que j'ai eu l'honneur de vous le mander, Monseigneur, par ma dépêche N° 2. Le Ministre du Roi en Amérique seroit accrédité séparément auprès de chacun des Etats ou des confédérations particulières et éprouveroit en conséquence selon les circonstances plus de facilités ou plus de difficultés dans ses négociations. Le remboursement de la dette due au Roi seroit un objet particulier, qui tomberoit sous un nouveau rapport; mais S. M. peut dès aujourd'hui regarder tous les Etats comme solidaires et la dissolution de la Confédération ne changeroit rien au droit de S. M. J'attends toujours la décision de la crise actuelle pour rappeler aux Etats-Unis, quelque forme que prenne leur Gouvernement, la nécessité de s'occuper de ce qu'ils doivent au Roi. Il est probable que d'eux-mêmes il ne songeroient guère à cet objet intéressant. Leur impuissance est réelle mais s'ils n'étoient pas à ménager, il y auroit moyen de tirer parti de cette créance. Les Anglois sont aujourd'hui en possession des forts, qu'ils auroient dû restituer à la paix, sous prétexte que les Américains n'ont pas satisfait à l'engagement de payer leurs dettes envers les sujets de la couronne Britannique. La Reine Elizabeth avoit eu autrefois des places en dépôt dans les provinces unies pour caution des sommes que cette Reine leur avoit prêtées. Il y a sur ce Continent des ports qui seroient à la bienséance de S. M. dans de certaines conjonctures, principalement ceux de New-york et de Newport. On pourroit peut-être s'en emparer, moitié de gré, moitié de force et s'y maintenir autant que cela seroit utile aux intérêts du Roi en transigeant en conséquence sur la dette des Etats-Unis envers Sa M^{té}. C'est en partie pour faciliter cette opération que j'ai pensé qu'il seroit avantageux d'accoutumer les Etats-Unis à voir les Escadres du Roi fréquenter leurs ports régulièrement et alternativement.

en cas de scission des Etats, le Ministre du Roi seroit accrédité auprès de chacun d'eux. Facilités qui en résulteroient pour le succès de ses négociations.

Le Ministre du Roi attend la décision de la crise pour leur rappeler la nécessité de s'occuper de ce qu'ils doivent au Roi.

Moyens qu'il indique de procurer au Roi sur le continent de l'Amérique des ports qui seroient à la bienséance de S. M. et qui seroient le nantissement de sa créance.

Je m'abstiens de réflexions ultérieures sur la situation des Etats-Américains dans le cas d'une scission, jusqu'à ce que la grande question qui est actuellement prête à être décidée soit fixée d'une manière ou d'autre.

En attendant le Congrès figure autant qu'il lui est possible avec les foibles moyens qu'il a. Il a fait inviter tous les Etats par le Président à envoyer dans ces circonstances les Délégués nécessaires pour les représenter. Ils y ont eu égard et même celui de Rhodeisland, de sorte que si les Délégués étoient individuellement aussi zélés pour la chose publique, qu'il semble qu'ils le devroient, le Congrès pourroit être complet dès ce moment ainsi qu'on croit qu'il le sera dans peu, ce qu'on n'avoit pas vû depuis plusieurs années. Quelques membres sont absens dans ce moment uniquement pour leur plaisir. Rien ne les contraint à l'exactitude. Telle est l'organisation vicieuse du Congrès indépendamment de son manque d'autorité, qu'un seul membre peut par son absence ou en se retirant au moment de donner sa voix faire manquer une affaire même de la plus grande connoissance. On en a eu un exemple frappant l'année dernière. Le Congrès déliberoit s'il quitteroit Newyork, neuf Etats étoient représentés, celui de Jersey ne l'étoit que par deux membres sur lesquels on comptoit. Au moment de prononcer un des Membres se lève, prend sa canne et son chapeau ; on a beau vouloir le retenir, il part, va droit au *Ferry* et repasse la rivière pour retourner chés lui. C'est cependant un corps ainsi organisé, à qui l'on a à faire pour toutes les demandes et tous les traités.

exemple de l'organisation vicieuse du Congrès.

Au reste il a mis plus de promptitude dans la réponse au Mémoire, que je lui ai adressé par le canal de M. Jay, que dans aucune affaire qui se soit présentée depuis longtems.¹ M. Jay lui-même est sorti de sa lenteur ordinaire. J'ai crû dans cette occasion devoir m'abstenir de toute autre démarche que de l'envoi de mon Mémoire au Secrétaire des Affaires Etrangères, à qui je n'ai même pas parlé de ce que j'y traitois ; mon objet étant de faire connoître au Congrès et à M. Jay que le Roy avoit lieu d'être mécontent. Je me suis borné à dire laconiquement aux deux Membres de la Virginie et à un autre que j'avois adressé un Mémoire au Congrès sur une affaire abominable et qu'il étoit nécessaire de prendre des mesures pour que rien de pareil ne put plus arriver. J'entendois par là la conclusion de la Convention Consulaire sur laquelle je ne voulois entrer en aucune explication afin que d'après mon mémoire il parut que je la regardois comme conclue à l'exception de quelques formalités. S'il y avoit au-

Le Congrès a répondu au Mémoire du Ministre du Roi, relativement à la Convention consulaire.

¹ This *mémoire* touched the Ferrier case. See *Am. Dip. Corr.*, 1783-1789, I. 354 ff.

Envoy de la réponse
de M. Jay au sujet de la
Convention relative aux
Consuls

jourd'hui en Amérique un corps réellement souverain, ou si nous étions dans le cas de traiter avec chaque Etat, qui sont tous seuls véritablement Souverains, la crainte bien ménagée pourroit produire de bons effets sur les mesures qu'ils prendroient à l'égard de la France, mais dans la situation actuelle des choses ce moyen n'agit qu'imparfaitement. Je lui attribue cependant la prompte résolution du Congrès. Je joins ici copie de la réponse que j'ai reçue de M. Jay. J'espère que les instructions envoyées à M. Jefferson sont satisfaisantes. J'imagine que ce Ministre Américain aura eu l'attention de faire observer au Congrès que l'arrêt du Conseil, qui accorde des faveurs particulières aux Américains n'est point un traité, mais un règlement d'administration, que le Roi peut révoquer ou modifier à son gré. Je crois qu'il est utile qu'ils soient pénétrés de cette vérité. Ils se sont persuadés jusqu'ici assés mal à propos, qu'on avoit un très grand intérêt à les bien traiter et qu'on ne sauroit trop leur accorder. Ils ont encore à revenir de beaucoup d'erreurs sur leur importance dans la balance politique de l'Europe. Il est facheux de reconnoître qu'ils sont très susceptibles de prétentions tandis qu'ils mettent on ne peut pas moins du leur pour engager à y avoir égard. S'il s'établit un nouveau gouvernement et que des hommes éclairés et non passionnés soient à la tête, il pourra se former un système plus juste sur les vrais rapports des puissances entre elles, des Etats-Unis avec l'Europe en général et avec la France en particulier.

Je suis avec respect.

Monseigneur,

Votre très humble et très obéissant serviteur

LE C^{TE} DE MOUSTIER.

P. S.

Accession du New-
hampshire à la nouvelle
Constitution.

On apprend dans ce moment que le Newhampshire a accédé à la nouvelle Constitution. Le Congrès peut actuellement délibérer s'il veut l'adopter aussi. Il est probable qu'il y accédera, mais sans la Virginie et le Newyork le nouveau Gouvernement existeroit plus de nom que de fait. La grande affaire consiste toujours dans le parti que ceux-ci prendront. Viendra ensuite l'exécution. Autre difficulté.

REVIEWS OF BOOKS

Historical Essays and Reviews. By MANDELL CREIGHTON, D.D., D.C.L., LL.D., etc. Sometime Bishop of London. Edited by Louise Creighton. (London, New York, and Bombay: Longmans, Green, and Company. 1902. Pp. vii, 356.)

So thorough was Dr. Creighton's scholarship and so judicious his spirit that most of what he wrote is of permanent value, and Mrs. Creighton, herself gifted as a historical writer, has done well to collect these articles, most of which were first printed in monthly magazines. The longest papers are those on Dante and Æneas Sylvius Piccolomini (Pope Pius II.). There are in addition shorter papers on minor figures of the Italian Renaissance, representing no doubt the author's by-studies in connection with his great work on the papacy; as on Vittorino dei Ramboldini, "A School-master of the Renaissance"; on Gismondo Malatesta of Rimini, "A Man of Culture"; on Olympia Fulvia Morata, "A Learned Lady" whose collected works were dedicated to Queen Elizabeth as the most learned sovereign of her time, and who, having lectured in the University of Ferrara on the philosophy of Cicero, when only sixteen, died after a troubled life at twenty-nine. Four of the longer papers relate to English history — those on John Wycliffe, on the Italian Bishops of Worcester, on the Northumbrian Border, and on the Fenland. Two deal with personal experiences of Dr. Creighton — the account of the Harvard commemoration of the two hundred and fiftieth anniversary, at which Creighton was present as representing John Harvard's college, Emmanuel, Cambridge; and that of the coronation of Alexander III., at Moscow, which Dr. Creighton attended in his capacity as a bishop of the Anglican church. The four concluding papers are reviews by Dr. Creighton of Symonds's *Renaissance* and other historical volumes relating to his special period. Though excellent, they are too brief to have much value and were hardly worth reprinting.

Gibbon found that to have been an officer in the English militia aided him as the historian of the military decline of Rome. Creighton, in his administration of his great diocese of London, proved to be an ecclesiastical statesman of the first rank; and his insight as an ecclesiastical historian owed much to this quality. The articles on the famous Renaissance pope Æneas Sylvius shows the balanced judgment of the man of affairs. When the first volumes of Pastor's *History of the Popes* appeared, Cardinal Manning with some complacency said that in view of the new information from the secret archives of the Vatican Creighton would have to revise his work. Pastor's third volume deals wholly with Æneas Sylvius, and the reader can now judge for himself which writer

has seen most clearly into the real meaning of this pope's career. He was of the paradoxical type of character that Creighton delighted in, with an admirable *amor scribendi* which made him desire to commit to paper all that he thought and felt. Even after he was pope he kept up his pursuit of learning. "We must," he said, "give some indulgence to our mind, whose delight lies in midnight studies." The result of his incessant use of the pen is that we know intimately the story of his life. He tells of his devout feelings, which did not, however, check his early profligacies; of his taking priest's orders comparatively late in life; of the shiftings of his diplomacy, for he was one of the greatest masters of that art in Europe; of his studious and earnest old age, when he warned the young against the errors that he himself had fallen into; and of his last supreme, but vain effort to rally Europe for a crusade to drive out the Turk, just become the master of Constantinople. His career presents an almost unequalled opportunity for historical antitheses in the style of Macaulay, or for harsh censure in the style of Æneas's German biographer Voigt. Not so, however, does Creighton depict him, and his sketch shows profound knowledge of human nature. "To me Æneas Sylvius seems consistent throughout. He is a cultivated man, adapting himself gracefully to his surroundings; his opinions, both moral and religious, develop themselves spontaneously, so as to accord with the position his talents are winning for him — a position which is day by day rising higher and higher, and so making greater demands upon his better nature, and freeing him more and more from the lower requirements of self-interest" (p. 84).

The same sobriety of judgment appears in the account of the Italian bishops of Worcester. Much has been said of the scandal of this practice of appointing absentee bishops, and no doubt in the thirteenth and fourteenth centuries it was a great evil. But Creighton shows how the foreigners were sometimes appointed because of the services they could render to the king of England. Before the end of the fifteenth century the revenues of Worcester were set apart for absentee Italian bishops, because these bishops acted at the Roman court as the agents of England. It was an advantage to England that such agents should be Italians, for these would know better the ways of the papal court, and the English king kept them to their work so strictly that one of them dared not take a holiday without Henry VIII.'s consent. In the article on Wycliffe Creighton shows how strong national spirit in England was in support of the man who attacked papal interference with English independence in church matters. These were the days of the Statutes of Præmunire and of Provisors, and even the English bishops were not so intolerant of Wycliffe as might have been expected on purely theological grounds.

Mrs. Creighton has contented herself with reprinting the essays almost without comment. We are not even told the dates of their first appearance. This is a pity, as the date of a publication would sometimes explain references that are not now pertinent. For instance, Dr. Creighton hopes that more of Wycliffe's works may be published. Since the

essay was written, the Wiclif Society has given to the world a handsome shelfful of the great teacher's hitherto unprinted writings.

GEORGE M. WRONG.

Essentials in Ancient History from the Earliest Times to the Death of Charlemagne. By ARTHUR MAYER WOLFSON, Ph.D., in consultation with Albert Bushnell Hart. (New York: American Book Company. 1902. Pp. iii, 528.)

THIS book is intended to furnish the basis for a one year's course in ancient history in the high-school. The author's experience has enabled him to select material and construct a narrative suited to the capacity of high-school pupils. From a pedagogical standpoint the work is successful; but even a brief review of its contents reveals errors in general treatment and in detail which make it far from possible to accord it like praise from a historical and literary standpoint. Comparatively little space can be given to the oriental nations. The attempt, therefore, to put political history and civilization on an equal footing has resulted in satisfactory treatment of neither. All recent investigations in these fields seem to have escaped the writer's attention.

In the history of Greece it is gratifying to find but twenty pages out of one hundred and seventy-five allotted to the Peloponnesian War. This is characteristic of this section of the book, and consequently civilization receives more just treatment than has been usual in text-books. The chapters on the Hellenistic period are reserved till the time when Rome comes in contact with the east — an arrangement which emphasizes the unity of ancient history very forcibly. It is, however, unfortunate to separate the civilization of the fourth century so far from the other events of that time. Hesiod should be mentioned and Lycurgus receives too much consideration (p. 75). Xenophon (p. 309) is not worthy of as much space as Herodotus and Thucydides combined (p. 155). The account of the reforms of Cleisthenes is confused (p. 98). Geographically, at least, Macedonia does not include Chalcidice (p. 194).

The good proportions observed in the pages devoted to Greek history are wholly absent from those devoted to the history of Rome and the west. In general less, and far too little, attention is given to topics relating to civilization. Too much space is given to early Rome. Until our ignorance on that period is more fully defined, old views cannot be wholly neglected in text-books; but it is going too far in the other direction to devote forty pages of "Essentials" to a detailed chronological narrative of events down to the war with Pyrrhus. A short summary of this period, and a judicious compression of the material on the later Republic would permit greater justice to be done to the far more important period of the Empire. One hundred and fifty pages are given to the Republic, and but one hundred to the first eight centuries of the Christian era. If this ratio were reversed, the proportions would be more nearly correct. The extension of Roman dominion over the ancient world is well brought out. For high-schools it is, perhaps, right to give the constitu-

tion but minor consideration. Were so many really killed in the Second Punic War that "few able-bodied men were left to cultivate the soil" (p. 349)? The significance of the invasions of the Cimbri and Teutones is not shown. Some pupils may be perplexed over the racial characteristics of the Germans who "had come to be the black terror of Rome" (p. 361).

The treatment of the Empire is everywhere inadequate. Christianity receives an over-prominence; and the heathen religion which it supplanted is neglected. Other elements of civilization do not receive due emphasis; this is especially true of the spread of culture in the provinces of the west. The story of the centuries after the end of the Empire is confused. Claudius was made emperor by the prætorians (p. 411). Caracalla's edict of 212 should be mentioned, and the date of the death of Theodosius should certainly be given. The Eastern Empire affected the west constantly during the middle ages, not "rarely," as the author seems to think (p. 479). The Saxons lived north and not east of Charlemagne's territory (p. 497).

The general bibliography and the reference lists at the ends of chapters should be made shorter and more discriminating. The reference lists fail constantly to give precedence to the best authorities, even considering only those cited in the lists themselves. The list of books recommended for a small library contains at least as many titles that should be avoided as titles that might be recommended. The equipment of maps is all that can be asked. The spelling of proper names in the maps and in the text should be brought into accord with some uniform system; Rome and Capreæ go oddly together (p. 216). The volume is profusely supplied with illustrations, which are, with rare exceptions, old and indistinct. It is preposterous to give full-page reproductions of restorations and modern paintings, and only very small and inferior cuts from such sources as the Hermes of Praxiteles. A. C. TILTON.

The Principles of English Constitutional History. By LUCY DALE.
(London, New York, and Bombay: Longmans, Green, and
Co. 1902. Pp. xi, 509.)

IN the preface the writer says that, were it now the custom to attach long explanatory titles to modest works, this book would probably be called "The Development of English Institutions: an attempt briefly to set forth the main results of modern historical research in a form acceptable to the general reader." The work is not without conspicuous merits; but neither this title nor the actual one is entirely justified by its character. The method of treatment adopted has perforce made the result essentially a general political history of England. Green's *Short History* or Gardiner's *Student's History* might with almost equal justice be called a constitutional treatise. The whole subject is carried along chronologically reign by reign. There is little attempt to trace the evolution of institutions or great constitutional organisms over long periods. There is, for example, no sustained treatment of Parliament, either in

its composition, its organization, its procedure, its privileges, or its relation to the executive. Indeed the work practically ends with the Napoleonic era, except that the chief dates are carried on to the Reform Bill of 1832; so that there is no adequate treatment of modern cabinet and ministerial government. Except for brief discussions of such topics as trial by jury, the Norman sheriff, and the justices of the peace in the Tudor period, the local constitutional history is almost entirely neglected. No authorities are cited. The problems which make up so large and vital a part of constitutional history are therefore avoided or treated in very general terms. The author has in the main attempted to deal with constitutional principles apart from constitutional details; but is it not safer and more enlightening to let the principles disclose themselves through the facts?

The first chapter, beginning with the accounts of Cæsar and Tacitus and closing with the battle of Hastings, is entitled "The Growth of the English People." The significance of the acceptance of Roman Christianity, of the union of Church and State, and of the Danish invasions is well brought out. There is, however, a lack of concrete details. One misses especially an account of local institutions which relatively constituted so large a part of old English life. Here also the inefficiency of merely general narrative is disclosed. We "hear of a custom," says the author, referring to the *comitatus* of the *Germania*, "by which a number of young men of good birth attached themselves to some distinguished noble, receiving food, clothing, and weapons at his hands, finding their only distinction in fidelity to him, knowing no law but his will." This description would apply better to the institution in Cæsar's time; for, according to Tacitus, besides the king and the elected *dux*, it is only the *princeps*, that is to say, the local magistrate chosen in the great folkmoot of the tribe, who is allowed to have such a following of *comites*. The privilege does not belong to the noble as such, implying a considerable advance in civic order. Moreover, it would have been instructive to compare the *comitatus* of the continental Germans with the *gesiths* and *thegns* of England, so important in the rise of feudalism. On the other hand, the system of "lords" for landless men is well interpreted. "Some such arrangement was perhaps necessary at a time when the country was reduced to chaos by constant war, when the law possessed only the most primitive machinery, and when there were no means of rapid communication whatever. A man's land was his only pledge of good conduct, and if he had none, it was the easiest thing in the world for him to slip over the border into the next shire, or even into the next 'hundred,' a division of which each shire held a good many, and leave no trace behind him." The process of general territorial infeudation would thus be encouraged.

The following seven chapters carry us forward to the reign of James I. Many of the summaries and some of the characterizations of men and policies are admirable. The attitude of William and his successors toward feudalism is ably described. Not so well handled is the reign of

Henry III. It is strange that no reference to the friars should be made in connection with Earl Simon's career. Proper stress is not laid on the legislation of Edward I. But it is a distinct merit of this work that the writer is ever on the alert to appreciate the influence of economic forces in shaping the English law and constitution. A good illustration is afforded by her explanation of the rising political importance of the middle class during the wars of Edward III., their increased power being due more to their growing wealth, supplying the sinews of war, than to their military achievements with the longbow. The ninth and tenth chapters cover the period of the Puritan Revolution and the Restoration. The treatment of the age of Oliver Cromwell is disappointing. Surely the remarkable legal, administrative, and constitutional experiments of the Civil Wars and the Commonwealth were deserving of more serious attention. The eleventh chapter, on the "Aristocratic Government at Home and Abroad," covers the period from 1689 to the fall of Sir Robert Walpole in 1742. The twelfth and last chapter deals with the "Formation of Modern Conditions." In this the responsibility of George III. and his advisers for the loss of the American colonies is treated with candor and insight. After all, making due allowance for incidental shortcomings, this is a very useful and well-written volume. Its value is increased by an appendix containing extracts from the sources. It would have been still more useful had carefully selected reference lists been supplied. A glimpse of the literature of constitutional history would be more helpful to the reader than the tables of dates appended to the chapters.

GEORGE ELLIOTT HOWARD.

The Discoveries of the Norsemen in America with Special Relation to their Early Cartographical Representation. By JOSEPH FISCHER, S.J., Professor of Geography, Jesuit College, Feldkirch, Austria. Translated from the German by Basil H. Soulsby, B.A. (St. Louis: B. Herder; London: Henry Stevens, Son, and Stiles. 1903. Pp. xxiv, 130.)

THE German edition of Professor Fischer's brief monograph on the Norse discoveries appeared little more than one year ago. Its excellence as a critical survey of the more important problems in this field of historical research is a sufficient warrant for the English translation that we now have at the hands of Mr. Soulsby, of the British Museum. In the small compass of about 100 pages Professor Fischer gives us a most satisfactory review of the present status of our knowledge concerning Norse discoveries and settlements in the west, leaving no ground for confusion between the facts as they are known and the expression of his own opinion. This was the task the author set for himself: to restate the problems relating to these discoveries, "to bring forward fresh arguments in support of accepted conclusions," to give the results of his own critical studies of the early maps relating to this northern region. That he has an acquaintance with the sources which have long served students he shows every evidence, and he gives due credit throughout to the re-

searches of such investigators as Storm, Reeves, Bruun, Finnur Jónsson (not Jónsson Finnur, tr.), Nordenskiöld, with whose opinions on the more important points he finds himself in accord.

Professor Fischer does well to suggest the possibilities that either in the Vatican archives or elsewhere in Italian libraries much valuable material may yet be found touching Norse civilization in the centuries preceding the Columbian voyages. His own search through these records was rewarded with the discovery of new material relating particularly to the geography of the Northland. The record of these results finds place in his work.

In his first chapter "The Earliest Accounts (Eleventh and Twelfth Centuries) of the Discoveries of the Norsemen in America" are reviewed, with a disposition to accept as trustworthy the statements of Adam of Bremen, Ari, and the references of the *Landnámabók*. The very brevity of such notices of Wineland as are here found, he thinks, is an argument in favor of reliability. "It must be noted that every passage speaks of Wineland the good as a country universally known and in want of no further explanation."

The second chapter presents "The more Detailed Authorities of the Thirteenth and Fourteenth Centuries," particularly the Saga of Eric the Red, the Book of Hauk, and the Flatey Book, the only ones of importance. In the opinion of Professor Fischer there is no question that the first two are the most reliable, especially in their reference to Wineland. The version of the Flatey Book is contradicted by the earliest authorities, which entirely support the account of the Book of Hauk. Although the Flatey Book has enjoyed the greater popularity by reason of its detailed descriptions, the latest scholarship does not accept its statements concerning the discovery of Wineland. There have been wilful insertions and omissions.

In Chapter III. "The Growth of the Norse Colony in Greenland" is considered, *i. e.*, the status of the civilization. Besides the Vatican records, which are all important touching the religious condition of the colony, the author here gives especial credit, because of their reliability, to the three Scandinavian sources, the King's Mirror, the Icelandic Annals, and the description of Greenland by Ivar Bardsson. "We are lost in admiration of a masterpiece of history," he says in reference to the King's Mirror, "which can justly claim to stand next to our chronicles."

In this section the questions considered relate to the location and number of settlements, to the Norse population of Greenland, to the character of the homestead and the occupations of the people. He cannot agree with Nordenskiöld and the majority of the earlier writers that the "Eastern Settlement" and the "Western Settlement" lay partly on the east and partly on the west coast of Greenland. He upholds and adds new arguments to the beliefs of Major, Storm, and particularly Finnur Jónsson that both colonies were situated on the west coast. This important question he examines in somewhat exhaustive detail. Jelic's

number of diocesans at Gardar as 10,000 he reduces to 5,000 on what is clearly a correct computation of the crusade penny of 1327.

Although the chief occupations of the people were fishing, hunting, and cattle breeding, the love of adventure by land and by sea was fostered. "The discoveries made by the Norsemen in the eleventh, twelfth, and thirteenth centuries rendered it possible for them to draw a map of America, that is Greenland, long before the time of Columbus, and a map so accurate that a cartographer to whom Nordenskiöld showed a copy stoutly maintained it to be a forgery of the nineteenth century." Greenland's civilization in the fourteenth century was in no wise inferior to that of Iceland. The Zeno record, which would make it of a higher order, he dismisses because of the thoroughly unreliable character of the account "compiled from widely different sources."

Chapter IV. deals with "The Fate of the Norse Colony in America." The so-called "unimpeachable evidence" of the colonization of Wineland by the Norsemen he considers to be "no evidence." The cross-worship is no proof that Christianity was introduced into America before the time of Columbus, since the cross is also found in other parts of the world as a sacred symbol. Wineland's history ends with the ill-fated mission of Eric the Red in the year 1121, and all arguments brought forward in support of a permanent colonization of Wineland by the Norsemen have proved to be untenable. Concerning the fate of the Greenland colonies we are better informed. Their decay was gradual, not so dramatic as Jelic and his followers would have it appear. For the situation in Greenland in the fifteenth century, in which time contact with Europe was interrupted and evil days had come upon the colonies, the papal brief of Alexander VI., recently come to light, gives to us the latest and most reliable information.

It is in the fifth and last chapter, on "The Conception and Representation of the Discoveries of the Norsemen in America," that Professor Fischer makes the most valuable and interesting contribution to the subject. The cartographical representations, he thinks, have but recently received a proper consideration. He discusses the rise of the insular and peninsular theories concerning Greenland, and the representation of the northern region on the earliest maps and those of later date.

The Claudius Clavus map, which is the first of the Northland added to the list of Ptolemy maps, is not of Scandinavian-Byzantine origin as Nordenskiöld would have us believe, but rather of Scandinavian-Italian, showing unmistakable evidence of the influence of the Portolano. In short, Italy was the country where first arose the practice of giving as supplements to the Ptolemy manuscripts, and later to the printed editions, the "*Tabulæ modernæ extra Ptolemæum*."

His study of the work of Donnus Nicolaus Germanus (not Nicolaus Donis as Trithemius has it) is all too brief, and yet sufficient to direct attention to the great significance of this geographer. Donnus Nicolaus was a cartographer whose history is little known, though Fischer adds here, as he has done elsewhere, to our knowledge of him. It is certain

that he was not a Benedictine of Reichenbach. In 1466 he appeared in Florence, where he presented to Duke Borso di Este a work entitled *Cosmographia*. In the following years he produced several copies of this work of Ptolemy, dedicating the earlier ones to Duke Borso and the later ones to Pope Paul II. These dedications with a few other extracts from the sources are given in an appendix.

The earlier maps of the northern regions, as the Clavus map, indicate with accuracy the relative positions of Greenland, Iceland, and Scandinavia. Professor Fischer shows how in all probability the change of location indicated in so many of the maps of later date came about, and why in point of accuracy they are inferior. He traces the error primarily to Donnus Nicolaus, whose authority, however, must have been Scandinavian records. The Ulm edition of Ptolemy first indicates the change in location, and what is unmistakably the manuscript original of this edition was very recently discovered by our author in the library of Wolfegg Castle.

It was while searching the archives of this castle that he likewise discovered the Waldseemüller map of 1507 and that of 1516, of which discoveries the first mention, with a brief description, is given in this work. The first of the Waldseemüller maps reproduces the Ulm type, and as this map was printed in 1,000 copies and in all probability widely distributed, we have an easy explanation of the false notions so generally entertained concerning the relative position of the lands of the north.

Some attempt is made to ascertain the exact location of Helluland, Markland, and Wineland and to identify certain other regions referred to in early records. Ten plates of maps are appended, selected chiefly from the Wolfegg and Vatican manuscripts, and from the Waldseemüller maps of 1507 and 1516.

It is to be hoped that Professor Fischer will continue his researches in this field, for we have in this piece of work the evidence that a scholar has entered it who proceeds with the sympathy, caution, and knowledge so characteristic of Reeves and Storm, two of the most reliable investigators, whose work has been but recently ended.

E. L. STEVENSON.

Les Sources de l'Histoire de France depuis les Origines jusqu'en 1815. Vol. III. Les Capétiens (1180-1328). [Manuels de Bibliographie Historique.] Par MM. MOLINIER, HAUSER, BOURGEOIS, YVER, TOURNEUX, et CARON. (Paris: A. Picard et Fils. 1903. Pp. 248.)

THE rapidity of the work done by M. Molinier and his co-laborers is excelled only by its perfection. For condensed excellence these *Manuels* are model products of bibliographical scholarship, unless one is disposed to quarrel with the method adopted. For here is ground for disagreement. The field is not so accurately defined as in Professor Gross's work upon the sources and literature of English history, and one knowing that work wishes that the Harvard professor's French emulators had

endeavored to include also a fuller account of the literature of the subject, the allusions made of this nature being tantalizingly few. It is true this method would have much enlarged the volumes, but it would also have much enhanced their value to the scholar; and some space might have been saved by the use of smaller type in explaining titles.

A most excellent feature of the work is the brief and synthetic historical summary which is prefixed to certain of the chapters, though the characterization of the story of the fourth crusade as "cette lamentable et ridicule histoire" (p. 27) has the grimness of William the Conqueror's famous comment upon the prowess of the abbot of Hyde Abbey. American scholarship is given signal recognition, of course, in the chapter of sources and authorities upon the Inquisition, Mr. Henry Charles Lea's three volumes being declared to be a work "de premier ordre, le seul à consulter aujourd'hui" (p. 70). But why not mention the appendixes of original documents, which fill fifty printed pages?

There are a few notable omissions: In item 2237 Miss Norgate's article upon the trial of King John, printed in the fourteenth volume of the *Transactions of the Royal Historical Society*, is omitted from the literature of the subject, an important omission, for Miss Norgate joins issue with French scholars as to the probability of John's trial in 1202. The letters of Stephen, bishop of Tournai (*Scriptores*, XIX. 282-306), which throw considerable light on Philip Augustus's early years, do not appear among the sources of the reign. The paragraph on pp. 39-40 upon the literature of the Fourth Crusade ought to include Streit, *Venedig und die Wendung des vierten Kreuzzuges gegen Constantinopel*; Winkelman, *Philip von Schwaben und Otto IV.*, in the *Jahrbücher*; Heyd, *Levanthandel*; and even Pears's *Fall of Constantinople*. In the long chapter devoted to the reign of St. Louis one fails to find among the *documents administratifs* Etienne Boileau's *Règlements sur les Arts et Métiers de Paris*, compiled under the direction of the provost of Paris. *The Letters of Henry III.* (Rolls Series) is missing also from the *sources étrangères*. Parenthetically, it may be said at this point that the Rolls Series and the *Calendar of State Papers* are more than once confused, e. g., Nos. 2883, 2884, 3056. In Chapter LIII., that upon Charles of Anjou, Professor Richard Sternfeld's writings fail of mention unless he be included in the statement made of Cadier's *Royaume de Sicile sous Charles d'Anjou*, that "on y trouvera la bibliographie complète du sujet," which seems an unjust discrimination, since Sternfeld is pioneer and peer in the Angevin field. Finally, Rishanger's *Gesta Edwardi* (1297-1307) and the three fragments of *Annales Regis Edwardi Primi* attributed to him fail to appear among the *chroniques anglaises* bearing upon the rule of Philip IV.; and what is more surprising, no reference is made to the discussion of the bull *Unam Sanctam* and its origin, to be found in the *Revue des Questions Historiques* for 1879 (Vol. XXVI.).

JAMES WESTFALL THOMPSON.

The Enemies of England. By the HONORABLE GEORGE PEEL.
(London : Edward Arnold ; New York : Longmans, Green, and
Company. 1902. Pp. x, 287.)

THE late remarkable discussions in the English Parliament and press on the ever increasing armaments would make a thorough treatise on England's enemies very timely, since it is presumably in large measure due to the Anglophobia of the continent that England is incurring the heavy annual expenditures of her military and naval budget. Indeed, according to the Honorable Mr. Peel, this hostility is a much more important cause even than is usually supposed. The enmity and hatred of continental powers, he declares, has been and will remain the permanent and determining factor in English politics ; it is "the pivot of our foreign, or even of our domestic affairs ; it dominates our finances ; it regulates our armaments ; it presses, like the air we breathe, upon every pore of the commonwealth."

The cause, origin, and history of this antipathy forms the real text of Mr. Peel's book. The explanations commonly adduced are all insufficient, says the author. "Neither race, nor religion, nor manners, nor trade, nor envy, nor nature, satisfactorily account for this antagonism." The explanation must be found in the attitude of England during the long process of the reconstitution of Europe after the triumph over barbarism in the eleventh century. The historic development of the present European commonwealth of twenty states is marked at frequent intervals by the rise of a single state that threatened for the time being to absorb and dominate its neighbors. At such times England invariably appeared as the guardian of European liberties, thwarting the cherished aspirations for universal dominion just at the moment when they seemed nearest their realization. This Mr. Peel declares to be the "true cause." When the papacy was all-powerful and demanded fealty from the European states, England set the example of independence, and when the terms of Villafranca and Zürich might have secured to the pope the headship of the Italian state, the machinations of England frustrated the "holy plan." It was England that checked Spain in her career toward a world-empire, overthrew the rising supremacy of the Dutch, and thwarted the ambitions of France under Louis XIV. and Napoleon I. ; and in our own time she alone among the powers stands as the insuperable obstacle to the attainment of undue power and influence by Russia and Germany. England, "the champion of the liberties of Europe during eight centuries," has barred the way to the ambitions of the continental powers. Their hatred and hostility have been the result. To this, the great primary cause, the author adds another. It lies in the fact that England alone has established outside of Europe nations of her own blood, language, and institutions, thereby impairing the ascendancy of Europe and setting up a perpetual barrier against the ambitions of the old states.

In the development of the subject the simple chronological method is pursued ; the enmity of the different countries as it appears in history

constitutes the subject of nine out of the twelve chapters. It is in the discussion of these topics that the student of history is chiefly interested. The theory, however plausible, can be of value only in so far as it is based on the facts of history. Unfortunately these historical chapters are on the whole disappointing. The theory is so uppermost in the mind of the author that history is frequently misinterpreted to bear it out. How can we otherwise account for the extraordinary idea that England's policy in the Hundred Years' War was prompted by the interests of European liberty against the dangers of French ambition for ascendancy on the continent (p. 21); or how explain the use made of the strife for "another half-century and more . . . for a Calais which England would not yield" (p. 84)? The wars of England against Holland in the seventeenth century are not usually looked upon as wars in the interest of European liberty.

Errors are not infrequent. The marriage of Ferdinand and Isabella in 1479 (p. 94); Cardinal Beaufort, half-brother of Henry VI. (p. 88); the race that had driven out the Cæsars (p. 126); the motives of Henry VIII. for the divorce from Catherine (p. 100) serve as illustrations. The sense of proportion is poor. Nearly four pages on Solyman the Magnificent (pp. 102-105) and a remarkable paragraph on Selim I. as a poet (p. 102) are scarcely warranted at the expense of only incidental mention of the Armada. Closely associated with the tendency to introduce irrelevant matter is the inordinate use of figurative language. The frequent figures of speech, though sometimes very happy, are more frequently superfluous and often comical. On page 48 we find the "Normans, seated on the Channel"; a little further on, "Louis XIV. . . . sent a shock of pain along every nerve of the English people"; and after the Congress of Vienna "England turned her face from that embittered continent, sheathed her red victorious weapon, shook out her white untarnished canvas, and stood to sea."

The volume contains much that is valuable and suggestive, but the theory dominates the facts, and even the most patriotic Englishman will be surprised to find how absolutely immaculate and devoid of all selfish designs has been his country's international policy.

Studies in the History of Educational Opinion from the Renaissance.

By S. S. LAURIE, A.M., LL.D., Professor of the Institutes and History of Education, University of Edinburgh. (New York: The Macmillan Company; Cambridge: At the University Press. 1903. Pp. vii, 261.)

THE author had in view in the preparation of this work "the education of those who mean to devote their lives to education" (preface, vi). Of the sixteen chapters which the book contains, the first three are devoted to the educational bearings of the great Renaissance, with especial reference to Vittorino da Feltre, Trozendorf, Sturm, and Neander; the fourth offers a brief survey of the beginnings of humanism in the universities, with an interesting reference to George Buchanan; the three

next following treat respectively of the educational doctrines of Sir Thomas Elyot, Rabelais, and Roger Ascham, with brief notes on Erasmus, Hieronymus Wolf, Mulcaster, Brinsley, and Wimpfeling, and on the origin of Ascham's method of "double translation." The eighth chapter gives a brief estimate of the educational services of the Jesuits, and the ninth, on Montaigne, closes the first general division of the work. Of the remaining chapters, on the Modern Period, one each is devoted to Francis Bacon, Comenius, and John Milton, three to John Locke, and the last to Herbert Spencer. The author justifies his assignment of so large a proportion of his space to Locke on the ground of his conviction that Locke's "*Thoughts* read along with his *Conduct of the Understanding* is, spite of some obvious faults, the best treatise on education which has ever appeared with the (doubtful) exception of Quintilian" (preface, vi).

The rather irresponsible title of the book forestalls any criticism based on the demand for completeness. A work which passes directly from Locke to Herbert Spencer makes no claim to completeness. It would seem to be the author's main purpose to bring out distinctly the leading types of modern educational opinion, as indicated by such terms as humanism, formalism, realism, sensationalism. In this endeavor he has met with good success. The educational significance of humanism, and the various meanings which have attached to the word "realism," are set forth with great clearness and with abundant illustration (*e. g.*, on pp. 6, 23, 31, 62-63, 106-107, 122-123, 159-161). Much attention is devoted to the attempt to classify the several writers studied, with reference to these several terms. Ascham is called a humanist, Montaigne a rationalist, Comenius a sense-encyclopedist, and Milton a classical encyclopedist. This familiar method can undoubtedly bring forth much of value. In this book it is employed with skill and acumen, and is made to prepare the way for some such broad organization of educational doctrine as Professor Laurie himself has given us in his constructive treatises. Still it is only a partial method, and has dangers enough of its own. It should be added that this book does much more than apply the method referred to. The thought of several writers is presented with considerable fullness, and as far as possible in the words of the original essays. The influence of writers one upon another is traced with care. The very important relations of educational opinion to the educational practice and the whole civilization out of which it arose are only hinted at.

In general, we may say that the work is interesting and stimulating. It contains some good examples of Professor Laurie's brilliant, epigrammatic style. There are examples, too, of his characteristic transition from the careful, detailed study to the unfinished sketch. The chapter on Spencer is noticeably different from the rest of the book, being largely polemical.

The volume is not provided with either index or formal bibliography, but some brief bibliographical notes appear in the body of the work.

ELMER ELLSWORTH BROWN.

Histoire de France depuis les Origines jusqu'à la Révolution. (Publiée sous la Direction de M. Ernest Lavissee.) Tome quatrième, II. Charles VII., Louis XI., et les Premières Années de Charles VIII. (1422-1492). Par CH. PETIT-DUTAILLIS. (Paris: Hachette et Cie. 1902. Pp. 456.)

THIS volume forms the second part of the fourth volume of the history of France being published under the editorship of M. Lavissee, and closes the period of the middle ages. M. Ch. Petit-Dutaillis has maintained the high standard set in the preceding volumes (see THE AMERICAN HISTORICAL REVIEW, VII. 177). The period treated is one of the most attractive and important in the history of medieval France, embracing as it does such episodes as the expulsion of the English from France, the destruction of Burgundy as a rival power, and the reconstruction of France by Louis XI. Two hundred pages are devoted to the treatment of "La Société et la Monarchie à la Fin de la Guerre de Cent Ans." This is in keeping with the plan of the entire work, which aims to be a history of the development of French society as a whole. In the presentation of the subject-matter, the careful maintenance of proportion, the avoidance of unsound generalizations, the skill with which the reader is kept *en rapport* with the quantity and quality of the evidence upon which the narrative rests, the introduction of local color, heightened at times by the use of the quaint language of contemporaries, the artistic portraiture (Joan of Arc, Charles VII., Louis XI.), and the fair scientific spirit that seems to animate it, all appeal to the student of history in an irresistible manner. Whether the work will be as acceptable to the general public remains to be seen. It ought to have a great educational value in France.

For a volume of this general character, the bibliography is very full. Not only are the source collections and the best monographs cited, but the articles in reviews and even unpublished works of value and volumes now in the press are utilized by the author and find their place in the bibliographies. The work will be very helpful to those who wish to become oriented. It is a pity that the excellent study by M. Petit-Dutaillis on the sources of French history in the fourteenth and fifteenth centuries (*Revue de Synthèse Historique*, IV. No. 1) could not have been reprinted as a part of this volume.

One naturally asks what is found in this volume that is not found in Michelet, the only one of the old histories "still worthy of being read." Michelet's sixth volume, closing with the death of Louis XI., appeared in 1843. Since that time the history of this period has been entirely renewed. Fifty years ago it was but poorly known, but since that time, especially in the past twenty years, it has engaged the attention of an unusually large number of investigators. As a result, there is "not a single one of the aspects of this tumultuous epoch that has not been profoundly modified, and numbers of historical problems have arisen that had not even been proposed before." A rapid glance over the bibliographies in the book reveals the fact that the great majority of the secondary works were pub-

lished between 1883 and 1902. Of the men whose names appear on the cover of this volume as collaborators and who have enviable reputations for sound historical scholarship, but four are to be found in the bibliography of French history published by Monod in 1888. Had it appeared five years earlier, it would not have contained one of them. Admirable as was the work of Michelet, he was but a pioneer. He came too early to take advantage of the exhaustive monographic work that alone can serve as a foundation for larger syntheses.

It is not claimed, however, that the present history of France is definite. It will be more than one generation before it will be possible to make the final synthesis, if it is ever possible. The large lines of the period are clearly fixed. "Almost no subject has been completely exhausted, but nearly all questions have been touched upon, some provisional conclusions have been reached, the connections between facts have begun to appear, and programs for methodical investigations may now be prepared." "The purpose of the work, then, is to sum up the results of a half-century of investigation and to lead the way to more thorough investigations, which will in time render a new synthesis necessary."

FRED MORROW FLING.

Life of Ulrich Zwingli, the Swiss Patriot and Reformer. By SAMUEL SIMPSON. (New York: The Baker and Taylor Co. 1902. Pp. viii, 297.)

THE author's purpose, as expressed in his prefatory note, was to write "a brief, readable, and authoritative life of Zwingli," keeping "steadily in mind the requirements of the general reader for whom the work is primarily designed." In the first aim he has been successful, the biography containing about one-half as much matter as either of the two other good lives in English, Cochran's translation of Christoffel (1858) and Jackson's *Zwingli* (1901). It is also a readable narrative of the gradual development of the very human humanist, "the child of the schools," into the patriot and reformer. From the happy childhood days "under the open sky and amidst the flocks at Wildhans high up in the Toggenburg valley," through "the solitude of the forest hermitage with its library and little coterie of pious and scholarly companies" at Einsiedeln, to the stirring scenes at Zürich and the final tragedy at Cappel, the story is well told. The book makes no pretense of being a history, like Ranke's *Wallenstein*; it is distinctively biography. The best portions and those most likely to linger in the memory are Chapter II., "Parentage and School Life," the part of Chapter III. devoted to the Marburg Colloquy, and the account of Zwingli's death in Chapter IX. Dr. Simpson follows Christoffel in closing his book with the contemporary eulogy of Bullinger. The general reader will find the brevity and movement of the book satisfactory. It is confessedly not meant to meet "the needs of students." In point of completeness and *Apparat*, it would not bear comparison with Professor Jackson's scholarly biography; and the author states that he began his work before the appearance of the latter book.

Such a book evidently has its self-imposed limitations, some of which may fairly be considered defects, even in a brief and readable life. There is, for example, no description of the municipal government of Zürich. The references to its councils should have been accompanied with at least a single sentence explaining their composition and functions. The characterization of the "members of the Great Council" (p. 129) as "the people's representatives" certainly needs qualification for the general reader, who would hardly think of it as a body composed of delegates of the guilds, and with disproportionate representation of the guild of the nobles and rich men. Zürich was hardly a democracy in the modern sense; and Zwingli in his preface to his translation of Isaiah expressed a preference for aristocracy, rather than democracy or monarchy. Even in a life of 297 pages, there should have been found room for some brief exposition of Zwingli's pregnant idea of the church as the *Gemeinde* or *concio*, so clearly brought out by Ranke; some general characterization of Zwingli's work and thought; and some description of the system of church services and education after the introduction of the reform.

Some condensation in translation is unavoidable in such a brief readable book but it should not misrepresent, nor omit in brief selections which are apparently complete quotations. In three brief sentences of a dozen lines the space saved does not warrant, in a quotation otherwise complete, the failure to translate in the phrase "a poem of Erasmus" (p. 38) the adjectives "*trostlich*" and "*hochgeleerten*," two words which so aptly characterize Zwingli's tender heart and his judgment of Erasmus. "Yet they think it no crime at all to sell human flesh to the foreigner" (p. 99) certainly leaves something to be desired in point of accuracy and vigor as a translation of "*aber menschenfleisch verkoufen und ze tod schlahen halt er nit für ein grosse sünd*"—the picturesque words of the chaplain of Glams, who had witnessed two campaigns and the slaughter of a quarter of the Swiss army at Marignano. A more serious criticism must be passed on the misleading account of the discussion of January 29, 1523, at Zürich (pp. 123-124). Dr. Simpson makes Faber, Zwingli's opponent, speak but once, "and with some confusion." After referring in the succeeding sentence to the repeated challenge of Zwingli, the author proceeds: "An awkward pause followed this speech. As no one seemed ready to reply, the burgomaster adjourned the meeting until the afternoon." He mentions no discussion at all in the afternoon session, and throughout would certainly give the impression that there was no debate. As a matter of fact, the discussion, which took up the forenoon and some time after the announcement of the decision in the afternoon, was vigorous and lengthy enough to fill twenty-six of the good-sized pages in the standard edition of Zwingli's *Werke* (Vol. I., 117-143). The very reference to the *Werke* given by the author quotes a score of replies by Faber and the brief remarks of at least eight other participants.

The half-dozen misprints noted are not important, save the failure to indicate in the foot-notes the two parts of Vol. II. of Zwingli's *Werke* (p. 65 should read I., Part 1, p. 7; p. 141, II., Part 2, p. 232; p. 239,

II., Part 2, p. 275; etc.). It was Upper Unterwalden (Obwalden), not Unterwalden, that sent the abusive reply to the invitation to the second disputation (p. 131). A decided misapprehension would arise from the author's confusion of the "free bailiwicks" (*Gemeine Herrschaften*) with the friendly allies of the Swiss Confederation, in his misstatement in the note on page 11. "At the time of the Reformation," "Geneva, the Grisons, the principedom of Neuchatel" were friendly allies but far from being *Gemeine Herrschaften*. The publisher's phrase, "illustrated with attractive half-tones," does not hold good of the inappropriate views of modern Basel and Zürich, the latter with a large Luzern Hotel sign conspicuous in the foreground. In place of these one would gladly see a view or plan of Zürich in Zwingli's day, and a map of Switzerland.

In spite of its intentional limitations and its minor defects, the book is worthy of being read by busy men. It was worth the writing, if it shall spread interest in and knowledge of Zwingli and the Switzerland of the Reformation, both so little known to English and American readers. The life might be more authoritative; but it is "brief and readable," giving a clear idea of an attractive personality, and of "the spiritual growth, . . . gradual and progressive throughout . . . of a mind earnestly bent upon truth." Something of the simplicity, directness, and progressiveness of Zwingli has been wrought by the author into his narrative.

HERBERT DARLING FOSTER.

Politics and Religion: A Study in Scottish History from the Reformation to the Revolution. By WILLIAM LAW MATHIESON. (Glasgow: James Maclehose and Sons; New York: The Macmillan Company. 1902. Two vols., pp. xvi, 412; xv, 387.)

Scottish History and Life. By JAMES PATON, F.L.S. (Glasgow: Maclehose and Sons. 1902. Pp. vii, 343.)

MR. MATHIESON'S brilliant work is not a history of Scotland but rather an interpretation of Scottish history during the eventful period with which he deals. The factors which he regards as most important for the political development of the nation are "the potency of the national spirit, the relations of Church and State, the growth of sentiments and opinions, the rise and conflict of parties, and the character and influence of leading men." Although a large part of these two solid volumes is devoted to matters ecclesiastical, the question of the form of church government is strictly subordinated to the formation of a national church, an achievement which crowned the efforts of the moderate party. This end, indeed, was promoted by the extremists, whether of the school of Knox or of Laud, only in so far as their excesses during their period of predominance disgusted and repelled the nation. An excellent illustration of this is Mr. Mathieson's description of the attitude of the Edinburgh mob toward Montrose at the time of his execution.

So far from there being an organic or even a causal connection between the New Learning and the Reformation, the second movement was

essentially a confession of the failure of the first. Mr. Mathieson regards it as now generally admitted that the Reformation was primarily a moral, not an intellectual movement. It is to be viewed, therefore, "as a reaction against the premature liberalism which in Italy had paganized the Church, and in every country had aggravated the corruption of manners by discrediting without replacing the ancient faith." But the reformers did no more than substitute one authority for another, that of the Scripture for that of the church. They recognized, indeed, the right of private judgment, but this right was asserted "not as essential to the Christian life, but as an extraordinary expedient designed to meet a special emergency." And so the ancient religion having been cast out of the Scottish nation and its house swept and garnished, there entered in Knox and Melville, Maxwell, Wedderburn, and Sydserf. It was not until these had done their worst or their best, not until the systems of Knox and of Laud respectively had been tried and failed that the work of the Renaissance could proceed. After the battle of Worcester national feeling in Scotland triumphed over religious strife, in harmony with the change which throughout western Europe was marked by the peace of Westphalia. "The spirit of the Renaissance, which had been temporarily driven back, first by the Reformation and then by the Counter-Reformation, was now to triumph over both; and nations as such, no longer overshadowed by supernatural terrors, were to come forth enjoying and to enjoy, into the broad sunlight of a world older and wider than any Christian creed. Striving to make room within its borders for loyalty and for patriotism as well as for religion, Scottish Presbytery in 1651 was unconsciously adapting itself to these new conditions." This attitude toward the Reformation Mr. Mathieson neatly illustrates by a comparison of the movement with the French Revolution. The reformers, like the French politicians of the later age, were men without training in politics, doctrinaires, servilely attached in the one case to the Bible, in the other to certain abstract ideas. "Whatever may have been the relative merits of the law of Moses and the philosophy of Rousseau, the supporters of both systems were equally inflexible in their efforts to translate theory into the language of fact."

One takes in general from this really valuable book an impression of reflective discrimination and sound judgment. The poise and security at which, by such processes, the author has arrived have permitted him to give free play to a graceful and brilliant style and to a certain demurely trenchant wit. His portraits are remarkable, for example the treatment and contrast of Knox and Maitland, the Hebraist and the humanist (I. 113, 117), the parallel between Maitland and Montrose (II. 36-38, 119), and the sketches of Melville (I. 219) and Spottiswoode (I. 332).

The faces, the dress, the apparatus of the daily life of these and other notable Scots are illustrated in the handsome volume called *Scottish History and Life*. This is specifically the publication (as the archæologists use the word) of the historical loan collection in the Glas-

gow International Exhibition of 1901, and in general a contribution to the *Kulturgeschichte* and archæology of Scotland from prehistoric times to the middle of the last century. The book offers, on the one hand, a series of reproductions, of varying excellence, of the pictures and objects which were brought together for the Glasgow exhibition, and on the other a group of essays by several authors treating the periods illustrated by the collection. It may be said at once that the illustrations of this volume actually illustrate, and that the text is very far from being mere letterpress.

The well-known Holyrood portraits of James III. and Margaret of Denmark have been more successfully reproduced elsewhere, notably in the first volume of Mr. Lang's *History of Scotland*; Oudry's portrait of Mary Stuart has fared even worse. An unusual portrait of Cromwell marked (as has been neatly said of the portraits of George Washington) by an expression of austere sheepishness, will arouse interest, and the same is true of the little woodcut (Fig. 163) after a portrait of Arabella Stuart, full of esprit and individuality. But the gem of the collection is the delicious portrait of Graham of Claverhouse, successfully mezzotinted, which constitutes the best claim of the book to artistic excellence. The reproductions of illuminations which accompany Mr. Neilson's essay on early literary manuscripts are very good. But in the quaint lines inscribed on the Arbuthnot missal *orbem* should be read for *urbem* to give the sense which the context and Mr. Neilson's rendering require.

The literary work of the volume has been entrusted to competent hands. Dr. Joseph Anderson treats of Prehistoric Remains; Professor Medley — a recent acquisition to Scotland — of Medieval History; and Dr. Hay Fleming, naturally enough, of Mary, Queen of Scots, James VI., and King, Kirk, and Covenant. Among the essays grouped under the title Aspects of Scottish Life one notes Mr. Renwick's Scottish Burghal Charters; Sir Herbert Maxwell's Deer Stalking, Fishing, and Falconry; Mr. Kerr's Archery, Golf, and Curling; and Dr. David Murray's Scottish Universities.

The work will be found a useful and agreeable repertorium of Scottish archæology executed on the whole very creditably. Were one disposed to find fault, attention might be called to the quality of the paper, which makes the volume intolerably heavy, and to the wretchedness of some of the full-page plates, notably a very interesting portrait of Flora Macdonald quite spoiled in the reproduction. There is, however, a competent index for which much should be pardoned.

GAILLARD THOMAS LAPSLEY.

A History of Scotland from the Roman Occupation. By ANDREW LANG. Vol. II., 1546–1600. (New York: Dodd, Mead, and Company; Edinburgh and London: William Blackwood and Sons. 1902. Pp. xiv, 575.)

In a stout volume of upwards of five hundred closely printed pages Mr. Lang deals with something less than a century of Scottish history.

But if the period from the death of Cardinal Beaton to that of James VI. is short in time, it is in character so interesting and so critical as to justify, even in a general history, such fullness of treatment. The ground has been traversed so often that one turns naturally to a new writer's interpretation of the complex of facts and guesses that constitutes the history of the Scottish Reformation rather than to his disposition or readjustment of the material. Mr. Lang resolves the problem into three great factors, namely, the indiscipline and cupidity of the lords; the theocratic ambition of the kirk, convinced of its own infallibility and continuing inspiration; and the *intransigence* of the Stuarts, equally convinced of their divine right to govern absolutely. The lords, whatever their personal iniquities (black enough in all conscience), were as a class aiming at a definite political ideal, the perpetuation of that feudal state which had existed in Scotland throughout the middle ages. The kirk manifestly was striving to set up a theocracy, and the Stuarts a more or less absolute monarchy. The shock and attrition of these incompatible systems are characteristic of medieval rather than of modern history, but there, naturally, the strife of competing creeds and the acute *odium theologicum* characteristic of such a competition were wanting. Here, then, may be found one of the distinctive notes of the Scottish Reformation, a retarded national development overtaken by a grave religious problem.

The part played by the lords is sufficiently repulsive whether it be judged from the point of view of patriotism or of personal loyalty. Mr. Lang thinks that few if any of them were moved, in spite of their copious professions, by considerations of religion or conscience (pp. 377, 402, 525). What they sought was "the right to commit high treason with impunity." On the score of patriotism something might be said for Lethington, a statesman who, however dark his methods, still worked for the reasonable solution promised by the union of the two crowns. But Lethington, as Mr. Lang has shown, was concerned in the murder of Darnley, and what for him was worse, the Queen whom he betrayed had proof "in black and white" of his complicity.

The boundless claims of the kirk are well set forth by Mr. Lang. The minister, according to the Book of Common Order having prayed for "the assistance of God's Holy Spirit," was to preach "as the same shall move his heart" (p. 80). He became "a reed through which the Lord spoke" (p. 475). The impossibility of harmonizing with a monarchical state a church so directed is well illustrated in James's discussion with Mr. Bruce, an Edinburgh preacher, in regard to the King's part in the Gowrie business (p. 470). Bruce professed himself convinced of the King's innocence, but he would not promise to say so in the pulpit except "as I shall find myself to be moved by God's Spirit." It is Becket over again consenting to the Constitutions *salvo ordine suo*. England had long before found a solution for that problem. Mr. Lang returns to this point repeatedly with frequent and apt illustration.

The Stuarts, indeed, for all their faults, were proper subjects for tragedy. Charged with the belated problem of vindicating the royal

power and with the new and terrible religious question, the wisest and most moderate of sovereigns might well have failed. But when the energies of a powerful neighbor were directed to the maintenance of feudal anarchy in Scotland, and when the strong personalities of Mary Stuart and her son, their passions, their convictions, and their consciences were involved, the task became impossible. As Mr. Lang points out, moreover, the two tendencies which had the future on their side, religious toleration and democracy, were ranged in sharp and fatal opposition. The kirk, which stood for democracy of a certain sort, was by its very nature incapable of tolerating any other form of religion. Mary and James, on the other hand, who were willing to grant some measure of religious toleration, could not, of course, hear anything of democracy.

It may be thought that in this solution of the problem Mr. Lang has omitted or at least neglected (for he mentions it once on p. 425) a fourth and extremely important factor. This is the virtually complete lack of any constitutional machinery by means of which the will of the nation might have made itself felt and such changes as were inevitable might have been accomplished with more regularity and less violence than was actually the case. Although democratic, the kirk represented, of course, only one party. There was no means by which the opposing forces of the nation could peacefully check and modify one another. This omission constitutes a grave fault in the present work, but one that is inevitable because the special studies which would have enabled a general writer like Mr. Lang to give due emphasis to constitutional matters are still wanting.

In the interests of the *causa victa* Mr. Lang has deliberately set before himself the purpose of showing that all the good was not to be found among the "godly" nor all the evil among those of the ancient faith. He believes that "the hardships of the Catholics, after the Reformation, have been rather cavalierly treated by many of our historians," and he has accordingly "dwelt upon a point too much neglected." This is altogether wholesome and desirable, particularly as Mr. Lang is quite ready with his sympathy for the kirk when it falls on the evil days of the seventeenth century. It is refreshing to find a Scot defending Mary of Guise against the often alleged charges of perfidy in her dealings with the reformers in 1558 and 1559. Again, Mr. Lang's treatment of Knox is a very useful corrective to much that has been written of "that notable man of God." His superstition and his political shuffling and bad faith are illustrated from his own writings (pp. 35, 58). The current generalization that Calvinism, owing to its abstract dialectic, had a kind of elective affinity for the Scottish national genius is rejected. Mr. Lang believes, on the contrary, that "Calvinism meant a strenuous economy in thinking" and "that Knox's system really owed its charm to its thriftiness of thought and money — its concrete practical character"; again, "That his gospel and example were ideally excellent, or an unmixed boon to his country few of his countrymen who know Knox and his Reformation at first hand, are likely to contend." Finally, in

an excellent passage on the death of Knox (p. 247) Mr. Lang writes, "he was the greatest force working in the direction of resistance to constituted authority—itself then usually corrupt, but sometimes better than anarchy tempered by political sermons."

This is of a piece with the prevailing tendency of the book to emphasize the seamy side of the Reformation. On the whole, Mr. Lang believes that morally the movement was a failure. Those who take the traditional view of the Reformation, he writes, boast that it raised the moral tone of the country; "to do this was the object of the Presbyterian clergy, but their own manifestoes constantly bear testimony to their failure." To this it might fairly be objected that since the Presbyterian clergy set up a new standard for the conduct of life, the evidence of their manifestoes that the country was not yet conforming to that new standard does not prove that its moral tone had not been raised. This and similar passages (pp. 402, 525) sufficiently illustrate the *Tendenz* of the work, which serves to supplement and correct Professor Hume Brown's second volume.

With regard to Mary Stuart Mr. Lang has already spoken in detail in a separate study. Here he tells the poignant story with spirit and discretion, and his final judgment may be recorded: "On almost every individual fact a fight may be made for the Queen," but "the whole series of events" begins to be conclusive against her. The truth will probably not emerge and men will continue, on Newman's theory of the sum of probabilities, to account Mary guiltless or with Mr. Lang to believe her "blameless but not innocent."

The vexed question of King James's share in the Gowrie mystery may be mentioned in passing, for here, too, Mr. Lang's studies have overflowed into a separate volume. He believes that the affair was no mystery at all, but simply an unsuccessful attempt of the Ruthvens to kidnap the King. But this view has not passed unchallenged.¹

The present volume is on the whole a much better piece of work than its predecessor. For one thing, the authorities on which it rests are more abundant than in the earlier period and require a treatment which Mr. Lang is well fitted to give them. But in addition to the neglect of constitutional considerations already noted, two serious defects should be pointed out. In the first place, the work does not rest on any solid foundation of economic study, the interpretation of events is almost uniformly political or personal. Without wishing *infandum renovare dolorem* or ranging oneself as a disciple of Professor Lamprecht, one may still desire to see a greater importance given to economic considerations than Mr. Lang has judged appropriate. In the second place, one feels that in the largely literary problem of making the tangled and obscure transactions that fill the period of James's minority assume unity and form Mr. Lang has failed of an adequate solution. At times he becomes a mere annalist, and that too in a style that is little

¹ See the *Athenæum*, Nos. 3919, 3921, 3922, 3924, 3925.

short of telegraphic. With this exception Mr. Lang has shown himself more than equal to the literary requirements of his task. Those who habitually thread the jungles of German historical literature will welcome with profound gratitude his delectable humor, his lightness of touch, and his never-failing wit.

GAILLARD THOMAS LAPSLEY.

The Gowrie Conspiracy and its Official Narrative. By SAMUEL COWAN, J.P. (London: Sampson Low, Marston, and Company. 1902. Pp. x, 264.)

MR. COWAN'S arguments are invalidated by his own choice of material and its treatment. Nearly one-half of his book consists of what the author calls "reproductions," but which are really garbled condensations of official documents or secondary narratives. The former, with a few unimportant exceptions, are not printed from the originals in the archives, or from authoritative versions such as are given in Pitcairn's *Criminal Trials*. Mr. Cowan presents, apparently by choice, inaccurate renditions of loose copies.

The first "reproduction" is the "Narrative of James VI."—called by Mr. Cowan in the running head-line of the chapter and on the title-page of the book, "The Official Narrative." The appellation is erroneous and misleading. What Mr. Cowan reproduces is not the King's narrative at all; it is a garbled condensation of Tytler's narrative (Vol. IX. pp. 306-317, ed. 1843) of the events of August 5, based upon the Official Narrative properly so-called, Henderson's deposition, and various documents printed by Pitcairn. Apart from the misrepresentation of the nature of this fundamental document, Mr. Cowan is inaccurate in presentation of fact. One example must suffice for all. Tytler states—a point of capital importance—that Ruthven despatched Andrew Henderson to Gowrie from Falkland "instantly" "on the first check" in the hunting; Mr. Cowan (pp. 11-12) places the sending "during the ride" of James to Perth in Ruthven's company *after* the hunt.

Elsewhere Mr. Cowan reproduces the Sprot-Logan letters, using Tytler's incomplete versions as his basis. In all the letters he varies both from Tytler's and from more authoritative versions, altering the spelling and abbreviations, interpolating and omitting individual words, and changing words and punctuation so as to obscure the meaning. In Letter I. alone, by omitting portions summarized by Tytler, he at one stroke drops eighty-two words, at another forty-three, and at another ten. Now, by the publication of Mr. Lang's article in *Blackwood's* for April, 1902, the discussion of the authenticity of the Sprot-Logan letters entered upon a new phase, one important feature of which concerns orthography. Mr. Cowan asserts flatly (pp. 160, 183) that Mr. Lang's conclusions are erroneous. These reproductions place Mr. Cowan, as editor and critic, upon the horns of a dilemma: he cannot fairly contradict Mr. Lang unless he has scrutinized and compared originals: if he

has scrutinized originals, he has no excuse for reproducing the letters in such mutilated form.

It is from Hill Burton, and not from Calderwood or from the publications of the Bannatyne Club, that Mr. Cowan copies the conferences between James and the Reverend Robert Bruce, whom, although he was neither at Falkland nor at Perth, our author is pleased to dub (p. 148) "an eye-witness of the whole circumstances." One example suffices:

Burton: "'Think ye,' says the king, 'that Mr. David doubted of my report?' David was sent for incontinent."

Cowan: "'Think ye,' says the King, 'that Mr. David doubted my report?' 'No, David was sent from the Continent'" (p. 142).

Our author devotes eighty pages to the reproduction of four narratives read before the Perth Antiquarian Society in 1785. He commends them and accepts their conclusions. They are full of conjectural and provably incorrect statements, but have received no editing and are occasionally cited as primary authorities. In connection with James Logan's account of the Reverend Mr. Cowper's conversation with Gowrie, Mr. Cowan commits his most remarkable blunder. Logan, after repeating Gowrie's remark, as quoted by Cowper, to the effect that a conspirator against a prince "should not confide the secret to anyone," adds appositively "— a prudent remark . . . very consistent with the counterpart of the tragedy in which, so far from adhering to secrecy, he is represented as actually in correspondence until 31st July with Sir Robert Logan" [of Restalrig]. Mr. Cowan argues as follows: "In connection with the Logan Letters it is important to notice the statement (*sic*) made by Coupar in James Logan's paper. We would infer that Coupar was aware of the existence of these forged letters or he would not refer to the correspondence with Robert Logan up to 31st July. Whether Coupar was an accomplice with Sprot in this forgery is another question: all we can say is that his tale as reproduced by James Logan places him in a very compromising position."— This is astounding.

It is difficult to say which should be more severely condemned — Mr. Cowan's choice of material or his method of treatment. He never cites or uses a primary authority where a secondary is available. He produces little or nothing which is new; and it is hardly too much to say that wherever he is original, he is wrong. It is not important to state it — but Mr. Cowan believes in the guilt of the King.

OLIVER H. RICHARDSON.

The Reign of Queen Anne. By JUSTIN MCCARTHY. (New York and London: Harper and Brothers. 1902. Two vols., pp. v, 386; iv, 370.)

THE appearance of a history of the reign of Queen Anne by Justin McCarthy will doubtless waken pleasurable anticipations in various sections of the reading world. A lifetime spent in letters and politics would certainly seem the best of all possible methods of preparation for unraveling the bril-

liant and tangled web of a reign renowned in both fields, even had the author of the *History of Our Own Times* not given us more definite proof of exceptional qualifications for the performance of a difficult and unusual historical task. Indeed, the qualities discovered in that work — a fluent style, good temper, and fairness, ease of description and narration — might well be regarded as those most necessary for one who proposed to navigate the treacherous deeps and the no less treacherous shallows of a singularly complicated period of bitter political conflict. These are the qualities for which we have been taught to look in Mr. McCarthy's work, and in these volumes they appear in their most pronounced form. Yet they do not carry with them here the same force and value that brought such success to the earlier work. The flowing, often sketchy, style; the kindly and not too critical estimate of friends and colleagues; the statement of political problems as they present themselves to people or to Parliament; the easy description of current events; the wealth of literary allusion, of picturesque phrase and anecdote — all have their place and value. But in a period where policies and characters are still neither clear nor undisputed, where motives and purposes are still so dark and conflicting, despite all the work which has been done, where, indeed, important information is still wanting, these qualities do not go far in clearing up our ignorance of the times, however pleasing they may be to many readers. Here are needed the qualities of a trained historian rather than those of a litterateur — long and painstaking investigation, rigid weighing of highly conflicting testimony, careful, even precise, statement. We find here a pleasing story easily told, a wealth of literary allusion, often diverting the narrative, touches of the picturesque, infinite anecdote, and endless illustration. But we do not find nor expect to find new material, nor much new use of old material. There are no learned citations, the pages do not bristle with foot-notes. In their stead there runs through the text much allusion to Burnet, to Swift, and to lesser lights, and acknowledgement to such books as Morris's *Age of Anne*, Macknight's *Life of Bolingbroke*, Wyon's *History of Great Britain*, Burton's *Reign of Queen Anne*, and Macaulay's *History of England*. A pleasant if somewhat diffuse story of an interesting period, the present work offers nothing either very new or very profound. It lacks the pains of Burton and the well-informed and dignified simplicity of Stanhope. Appealing, as has been said, to the general reader, not to the historical specialist, it will doubtless meet its reward where it most appeals. Yet it would be wrong to deny its value to the historian, for it has one quality which is never without value to him. We have, perhaps, no lamp to guide our feet but the lamp of experience; but even historians are too prone to forget that its beams shine both ways. A long experience in public affairs and familiarity with public business have often enabled men to untangle earlier controversies and illuminate dark passages where other means were wanting or failed. It is a method not without its dangers, yet useful in spite of them, neither to be neglected nor to be relied on too much. Mr. McCarthy has not abused it, and we have, in consequence, much valuable

suggestion in this work, for which, as well as for the interpretation of the present by the past in which he continually indulges, we have to thank him.

The Young Pretender. By CHARLES SANFORD TERRY. (London: Methuen and Company. 1903. Pp. xvi, 222.)

THE author of this charming contribution to the "Little Biographies" series comes to his task fresh from his special studies in the Stuart records. In rapid sequence have recently appeared his *Rising of the '45* (1900); the *Chevalier de St. George* (1901); and the edition of the *Albemarle Papers* (1902). It is not surprising that he has produced a book which will prove a safe and fascinating guide to the lay reader. Each of the six chapters is crammed with facts; yet the mass of details is so marshalled that one's interest in the narrative never flags.

The seventeenth century Stuarts did not escape the traditional *fatalité* of their race; and the "same aloofness from their time and people which wrecked" them "doomed both the Old and Young *Prétendants* to failure." James III. was in his fourteenth year in 1701 when his father died. He was the victim of paternal discipline. In 1696 James II. drew up twenty-six *Rules for the family of our dearest son, the Prince of Wales*. The fourteenth may serve as a sample: "None must be permitted to whisper or run into corners with the Prince, wher the Governor, etc., may not hear and see what they do and say; and he shall receive directions from Us, what children are fitt to play with our son or to go in coach with him." "One discerns already," remarks the author, "the 'Old Mr. Melancholy' of later days in this rigid regulation of his mirthless youth." According to his father's admonition he never forgot his debt to Louis nor "that God and religion are above all earthly interests." James III. "saved his soul alive," but his worldly prospects fed the altar of sacrifice. Like David of Scotland, he "was a 'sair saint' to his phantom crown. He was 'dévot à l'excès,' as De Brosse remarked." Indeed, throughout his career he was somber, pious, and inept, but withal amiable, conscientious, and grateful to his benefactors.

Very different from his father in character was Prince Charles, the Young Pretender. In his youth, says the author, he was high-spirited, "rash, and impetuous to a fault"; later a "man broken by despair and irksome inactivity, an *homme sauvage*, addicted to the 'nasty bottle,' ill-treating his mistress, a brute to his wife, and generally his own worst enemy." His character seems a compromise between that of the Merry Monarch, Charles II., and that of Prince Rupert the cavalry leader, tempered by his heritage through his mother, the Princess Clementina Maria Sobieska, granddaughter of the famous John of Poland. To the first twenty-five years of the Prince's life (1720-1745) Mr. Terry devotes his second chapter. The chief interest of his narrative centers, however, in the next two chapters, in which the desperate venture of 1745-1746 is most realistically described. During this period Charles shows himself

almost worthy of the marvelous loyalty and heroic courage of his Highland friends. His cause was forever lost at Culloden; but he left behind him in Scotland a "fragrant and undying memory." Nevertheless, with all his courage and gallantry, at no time does the Prince give the slightest evidence that he is fit to reign or that he has ever weighed the responsibilities of a ruler. Indeed, Charles had not a strong character. He could not with fortitude accept his destiny. His abandonment by Louis "was the death of him morally. Nature had framed him for another Rupert. Charles XII. was his hero. Fate made him a loafer, and he sank incontinent to the lower plane." The history of the last forty-two years of his life (1746-1788) is a shameful record of intrigue, amours, domestic scandal, drunkenness, and base ingratitude, relieved only by the loyalty and devotion of his illegitimate daughter Charlotte. The last two chapters of this excellent book are devoted to this "tragedy"; but it is impossible here to attempt even a brief summary of them. The author has appended a useful bibliographical note.

GEORGE ELLIOTT HOWARD.

Madame de Pompadour. By H. NOEL WILLIAMS. (New York: Charles Scribner's Sons. 1902. Pp. xiv, 431.)

MR. WILLIAMS has published a handsome volume on Madame de Pompadour, embellished by excellent portraits of frail beauties and famous statesmen. As a general rule, the lives of royal mistresses do not deserve commemoration; there is small profit in exploring the scandals of the past. But Madame de Pompadour is an exception to this rule. She was not merely an immoral woman who found favor in the eyes of a king: the list of such, unfortunately, is very long; but for many years she exercised a greater influence on French politics than any other person, man or woman, the King not excepted. If the history of France in the last century is to be written at all, it would be absurd to exclude from it the character and career of Madame de Pompadour.

On the whole, Mr. Williams has done his work well. He tells nothing that is new to students of French history, but his work furnishes the ordinary reader with a fair account of the career of an unusual woman. He has consulted most of the authorities of value, and it must be admitted that he has also consulted some authorities of little value. There are frequent references, for example, to the *Vie Privée de Louis XV.* This is not a chronicle deserving consideration from writers who think that historical works should not be based upon untrustworthy gossip. Mr. Williams may say that many of the readers of this book will like the gossip, and they will not be disturbed because he relates incidents that Freeman would have rejected as unproved.

That many anecdotes with which Mr. Williams enlivens his work have slight foundation in fact may not be very important, but some errors are to be regretted. He has consulted Arneth, and rejects the apocryphal letter which Maria Theresa was supposed to have written to

the favorite, but he repeats the tradition as to the conduct of Frederick II., though this has long been exploded. At page 281 he says that Baron von Knyphausen, the Prussian minister, received express orders from his master to abstain from visiting the favorite, and as authority for the statement he cites Stanhope's *History of England*. Stanhope would not make the assertion if he were now writing. The correspondence of Frederick has been published and fills many printed volumes. Any one willing to take the pains of consulting them will find numerous letters in which the King bids his ministers do all they can to obtain the good-will of Madame de Pompadour. It is strange that this tradition should have been accepted by any one, even before Frederick's letters had been made public; such a belief illustrates the extraordinary facility with which many accept an unlikely story on untrustworthy evidence. Of all the monarchs of his day, Frederick was the one least likely to injure his political prospects in order to show his disapproval of the morality of those with whom he had to deal, nor was there any one in Europe who viewed such matters with more indifference. Indeed, to forbid his representatives' paying their regards to a person possessing Madame de Pompadour's influence would not have manifested any elevated morality in the monarch; he would merely have been making a fool of himself. The most sagacious of European rulers was sure not to commit errors of that sort.

There is no doubt, indeed, that Frederick offended Madame de Pompadour and Louis XV. by the freedom with which he spoke of them in his private conversation. Sagacious as he was, he could not resist the temptation of ridiculing those of whom he had a poor opinion, and he had a poor opinion of everyone.

But Mr. Williams has given a fair account of his heroine and of the times in which she lived. He has made Madame de Pompadour neither better nor worse than she was; he has not exaggerated her influence on French politics nor the evils which flowed from it. He has called attention also to the unusual difficulties she had to meet at the French court, not because she was immoral, but because she was a *bourgeoise*, and, as Broglie truly said, the nobility felt that when the King chose a mistress who was not one of their class, he was infringing on their privileges.

In closing Mr. Williams cites Madame de Pompadour's career as proof that when a woman meddles with public affairs her influence is sure to be mischievous. His conclusion would not be accepted by the advocates of political rights for women, yet, so far as French history is concerned, no one can dispute its general correctness. Madame de Pompadour was the last of a long series of women who took an active part in politics under the old régime. She did most harm because she had most power, but few of her predecessors showed any larger degree of political wisdom.

JAMES BRECK PERKINS.

A History of the American People. By WOODROW WILSON, PH.D., Litt. D., LL.D. In five volumes. (New York and London: Harper and Brothers. 1902. Pp. xxvi, 350; xix, 369; xvi, 348; xv, 343; xii, 338.)

IN his *History of the American People* President Woodrow Wilson of Princeton University has given us a survey of our entire history in the brief compass of about 300,000 words, apparently desiring to do for this country what Green in his single volume did for England; but the latter took something like 100,000 more words for his task. It is easy to see that while Green was more deeply affected by interest in the economic and social life of the people, Wilson's keenest interest is that of a critic of politics, more at home in characterizing political leaders and the trend of events than in dealing with the deeper undercurrents of economic and social change. The work is often brilliant in style; the author has read widely and has aimed rather to fuse the facts of American history into artistic literary form than to make investigative contributions to the facts of our development. His work is that of interpretation.

The first impression which the student will receive is, perhaps, that the narrative, with all its finish, lacks saturation with facts and fails somewhat to produce the effect of reality — or, in the phrase of the art critic, it lacks in "tactile values." This first impression is not altogether well-founded. In so compressed a treatment much has to be sacrificed to conciseness, and the author's literary fusion of his material presents the essence of many facts in sentences that run so gracefully and buoyantly that the reader easily overlooks the burden which they bear. The difficulty of this achievement is apparent to the student who knows the facts, but the general reader suffers a loss by the very success with which the author has substituted the well-phrased formulæ that express many facts for the more concrete and less artistic materials themselves. This impression of something like tenuity is exaggerated by the ornate and bulky form in which the publishers have presented the work. Green used to call his own history "Little Book." In this case "Little Book" is stretched by large type, heavy paper, and a profusion of illustrations into five volumes of nearly 350 pages each. The effect is that the stream of narrative too frequently runs like a rivulet between the illustrations. The excellence of most of these pictures must be recognized, although the process of artistically redrawing old prints and portraits is objectionable to the critic who is sensitive in the matter of the inviolability of sources; but even when the pictures are above reproach in this respect, and when they are appropriately placed, they continually distract attention from the narrative. The frequent irrelevancy of the illustrations is also to be regretted. Why Alexander Stephens should look out from the narrative of Jackson's war on the bank; why Cyrus McCormick should intrude in a discussion of the independent treasury; while Whittier's gentle smile plays above the story of McCormick's invention of the reaper; and why many similar incongruities exist could doubtless be

answered by the expert in the composing-room. But these are difficulties that future editions can modify, and it is to be hoped that a single-volume edition will sometime allow the readers to see the work in its most effective form.

In the matter of general perspective and proportion President Wilson has shown good judgment. He has skilfully and pleasingly woven together the difficult and isolated pieces of seventeenth century colonial history in a single volume. To the eighteenth century and the Revolution another volume is given. Here one finds a lack of attention to the important facts of economic and political significance that were so powerful in shaping the sections during that period, in preparing the way for American political parties and institutions, in shaping the conditions that affected the Revolution, and in creating the forces that expressed themselves in American expansion. But this is the period that has suffered at the hands of all of our historians. The French and Indian wars and the Revolution itself are so picturesque that they obscure the other facts of this important era of Americanization. A third volume carries the narrative from the treaty of peace to the election of Jackson,—by grace of over-heroic compression. In the fourth, President Wilson reaches the period with which he had before skilfully dealt in his little text-book, *Division and Reunion*, and carries the history on to the close of the Civil War. The fifth volume spans the years between Reconstruction and the close of the Spanish War. Whatever criticisms may be offered, it is impossible to find in similar compass or by another single author so sustained and vital a view of the whole first cycle of American history that rounded itself out with the nation's completion of the conquest of the west, and its step overseas into colonial empire.

Aside from matters of judgment the author has not fallen into more errors of fact than are common to first editions. The statements (III. 242) that the minimum provision of the tariff of 1816 applied to woolens as well as to cottons; that Jackson's declaration of opposition to the bank was made in his inaugural address (IV. 19, 43); that George Rogers Clark consulted Madison (Mason), and that he marched across the frozen *forests* from Kaskaskia (II. 293, 296) are typical of some actual errors. It is certainly a mistake to say that there is no doubt that Texas was a part of the Louisiana purchase, as recent students of Spanish claims to the region have shown. Willing's force did no such execution as the author credits it with on the lower Mississippi in the Revolution (II. 297). One doubts the accuracy of attributing pioneer settlement to Kentucky as early as 1730 (II. 61), and that Englishmen were building huts beyond the Alleghanies "as men who mean to stay," before the close of the seventeenth century (II. 9). The references to Cumberland Gap in connection with the national road, and the photograph of Cumberland Gap near Wheeling (III. 202, 241) will certainly confuse the reader in locating the celebrated gateway of the pioneers to Kentucky. Not all the members of Monroe's cabinet were shocked at Jackson's exploits in Florida (III. 258). Monroe's attitude toward internal improvements at

national expense is inaccurately stated (III. 260). The select bibliographies that follow the various chapters are generally well chosen, but some striking omissions occur, such as the failure to cite McCrady's *South Carolina*, and the omission of Parkman's works in the references on the French wars. The student will be puzzled to know why the appendix containing the treaty of 1783, the Ordinance of 1787, the Constitution, and the Virginia and Kentucky Resolutions is taken *by permission* from Preston's *Documents*!

Perhaps the most significant thesis of President Wilson (himself of Southern antecedents), is that in insisting on the doctrine of state sovereignty the South, "unaltered from of old," adhered to the Union as it was in "that first generation whose life and thought she kept." "There had been," he says, "no amendment of the fundamental law. Could the law change because men's thoughts had changed and their interests?" Mr. Wilson admits that in her reaction the South "stiffened the old doctrines and exaggerated them," but this is a very important admission, which goes far toward vitiating the underlying idea of his theory. In fact the South had changed profoundly. Cotton had revived the decaying institution of slavery, carried it over the old farming area of the Piedmont, and lodged it among the new commonwealths of the Gulf, where it finally bred a more drastic and aggressive spirit of sectionalism. The idea of divided sovereignty and the idea of the beneficence of revolution prevalent in the period of the Revolutionary War help explain the conditions at the origin of the Constitution, but the presidencies of Virginians like Jefferson, Madison, and Monroe, and the decisions of the Virginian Chief Justice Marshall had erected strong barriers against disintegrating tendencies. Nor had the South as a section adhered to the Virginia and Kentucky doctrines (confessedly less rigorous than Calhoun's later exposition of them) in the day of their promulgation. Moreover Madison and Jefferson had given interpretations of these doctrines quite at variance with the theory of Calhoun, and Calhoun himself at the close of the War of 1812 was a nationalist. It would be more correct to say that the generation of 1787 framed a Constitution sufficiently elastic to adjust itself to growth, and sufficiently indefinite as to sovereignty to permit dispute, and that the South, after its economic and social transformations, followed Calhoun in an interpretation of the Union that was at least as novel as the doctrines defended by Webster and assented to not only by the North, but even, in the days of South Carolina's nullification, by the new southern states on the Gulf.

President Wilson is by no means a partizan, however, and he has the advantage that he is the first Southern scholar of adequate training and power who has dealt with American history as a whole in a continental spirit. Northern writers have hardly hitherto given a thoroughly appreciative, not to say sympathetic, presentation of the slaveholding region in our history. President Wilson, born and reared in the south, educated at Princeton, the University of Virginia, and Johns Hopkins, and disciplined by professorships in Pennsylvania and Connecticut, as well

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as at Princeton, has acquired a catholicity of view that is certainly worthy of mention. Although one gathers the author's friendliness for Mr. Cleveland's type of Democracy in his last volume, even here he is moderate and careful in his judgments.

FREDERICK J. TURNER.

A History of the United States. By CHARLES KENDALL ADAMS and WILLIAM P. TRENT. (Boston: Allyn and Bacon. 1903. Pp. xxiii, 590.)

THE last literary work of the late President Adams was a school history of the United States. In this undertaking he was associated with Professor Trent of Columbia University. The book has been five years in the making, and the manuscript was finished and about half the proof corrected at the time of President Adams's death. Three principal objects in writing it are set forth in the preface:

"First, to present fully and with fairness the Southern point of view in the great controversies that long threatened to divide the Union. Second, to treat the Revolutionary war, and the causes that led to it, impartially and with more regard for British contentions than has been usual among American writers. Third, to emphasize the importance of the West in the growth and development of the United States."

The growth and influence of the West are as fully and adequately treated as space would admit. The point of view of the South may be said to be partially stated, and the text is supplemented by references to Southern books, which, however, are not likely to be called into requisition. But it can scarcely be said that the British point of view during the Revolution has been stated at all. Barring a single paragraph on the theory of representation, the treatment of the American Revolution is the traditional one. The reference to the Navigation Laws is inaccurate and inadequate. The King is held to have been alone responsible for the loss of the American colonies. It is not explained that the proceeds of the stamp tax were to be expended in the colonies and were not expected to meet more than a third of the expense of the colonial establishment. There is no comment upon the revolutionary character of the "tea-party." The account of the Transportation Act confuses different things and perpetuates an old misconception. It should be stated that the only persons to be removed for trial were those accused of crime on account of acts performed in the discharge of their official duty, a provision not materially different from the one in the statutes of the United States, which was enforced in the Neagle case. It cannot therefore be said that the special purposes of the book have been wholly attained.

The text is intended to meet the requirements of the high-school course suggested by the Committee of Seven and already very widely adopted. What may best be done in this course is still a matter of experiment. The present book follows closely the lines of the grade texts. The colonies are treated briefly and the campaigns of the Revolution and

the Rebellion very fully. We should prefer a different distribution of matter, upon the ground that the war story is the part of the work that may best be done in the grammar grades. The mode of treatment is to give a continuous narrative in the text, and a series of condensed biographies in the foot-notes. This expedient economizes space and preserves the continuity of the story. The style is clear and the paragraphs short, so that the book is likely to prove eminently usable in recitation.

In covering so large a field, it is inevitable that some errors should occur. Waldseemüller did not propose to name the West Indies after Columbus. It is well settled that Coronado did not penetrate as far north as the Nebraska boundary. Raleigh was the half-brother instead of the brother-in-law of Gilbert. La Salle did not ascend the Mississippi River to the Falls of St. Anthony. It has been shown that the Charleston tea did not spoil in damp cellars but was subsequently sold for the benefit of the revolutionary cause. The treaty of Paris provided for the northern boundary of the United States, though difficulties in its application afterward arose. The charge that British intrigues before the War of 1812 stirred the Western Indians to revolt is unsupported by evidence. The treaty of 1819 ceded West as well as East Florida. It can scarcely be said that "incipient efforts to divide the nation were crushed under Jackson," since the issue was compromised. The John Brown murders occurred on Pottawattomie Creek. West Virginia was not admitted until June 19, 1863. An account of the nominating conventions of 1864 is inadvertently omitted. "Potomac" for James in the account of the Peninsula campaign, "twenty-five" for fifty-five in the statement of the height of the Washington Monument, and "Garland" for Gorham in the references are misprints, and there are a few others that are more evident. Most of the errors are of slight importance and may be easily corrected in a new edition.

The portraits used to illustrate the text have been carefully selected and are admirably reproduced, making the best collection that has appeared in a book of the kind. It would have been worth while to indicate their date and source. There is a large number of maps but they contain the errors common to maps in the school histories. A curious example of these errors may be found in the location of Vincennes. Some initial map placed it south of the White River, and nearly all the school histories, including the present one, repeat the mistake. A map illustrating the Compromise of 1850, apparently based upon one in McMaster's school history, omits a necessary explanation which McMaster gives. It is also incorrect, in that it represents that territory not within the limits of Utah and New Mexico was opened to slavery by this compromise. A map illustrating the Kansas-Nebraska Act incorrectly represents both the northern and southern boundaries of Kansas Territory. A map of the United States in 1861, also apparently based upon McMaster, represents the Sierra Nevada as the western boundary of Nevada Territory, and the Owyhee as part of the eastern boundary of Oregon, two boundaries that never existed, though they may possibly have been

represented on contemporary maps. The act organizing Nevada Territory provided that the western boundary should follow the mountains in case California should consent, but California never consented. When the attention of a well-known author was called not long ago to the inaccuracy of the maps in one of his books, he replied that he had nothing to do with the maps and that the publishers alone were responsible for them. Whether it is the publishers who are responsible for the maps in the school histories does not appear.

F. H. HODDER.

A History of American Political Theories. By CHARLES EDWARD MERRIAM, Ph.D. (New York: The Macmillan Company; London: Macmillan and Company. 1903. Pp. xv, 364.)

DR. MERRIAM is already known to those interested in the history of political theories by his doctoral dissertation, *A History of the Theory of Sovereignty since Rousseau*, and by magazine articles dealing respectively with the political views of Jefferson, Calhoun, and Paine. In the present work he has essayed to trace the course of political speculations in this country from early colonial times to the present day. He has given us, however, a sketch rather than a comprehensive history; indeed, to have done more within the limited number of pages occupied would have been impossible. Judged, then, from this standpoint, the work is excellent, and our criticisms of it will be found to be almost wholly based upon acts of omission and not upon those of commission. The language is clear and concise, though there are a number of unnecessary repetitions, the arrangement is logical, continuity in the various lines of development is sufficiently shown, and, most important of all, the direct relation of the theories to contemporaneous objective political conditions is made manifest.

The work begins with a chapter entitled "The Political Theory of the Colonial Period." This broad title, however, is hardly justified, for except for four pages given to the Quakers and an equal number to an account of the rise of democratic sentiments among the colonists, the discussion is limited to the political theories of the New England Puritans. A bare reference to the aristocratic utterances of Governor Spotswood of Virginia is all that is furnished us regarding the characteristic views of the Southern colonists. Furthermore, we are given no account of the political theories involved in the discussions as to the extent to which and the manner in which the English common law became a part of the private law of the colonies. In the account of the political theories of the Revolutionary period, which is the topic next taken up, an excellent exposition of the then current principles of natural laws and constitutional rights is presented, the gradual emphasizing of the former at the expense of the latter being well brought out. The theories of the Loyalists are, however, hardly adequately treated, Boucher being the only writer of that party who is even mentioned by name. Dr. Merriam cor-

rectly says that the Americans derived very little of their political thought from the French, and that Locke was their great authority. The influence of such continental writers as Grotius, Pufendorf, Burlamaqui, and Beccaria should, however, have been mentioned. John Wise's *A Vindication of the Government of New England Churches* should have been given the date 1717 instead of 1772. The third chapter bears the title "The Reactionary Movement," and outlines the views expressed in the Federal Convention, the *Federalist*, and the writings of John Adams and Alexander Hamilton. With independence an accomplished fact and political reconstruction the task of the time, doctrines of natural rights of course gave way to debates upon constitutional principles. To term this change reactionary would seem therefore hardly accurate. From a discussion of the Jeffersonian Democracy, to which the next chapter is devoted, a leap is made to an analysis of the dominant ideas of the Jacksonian era. The material here employed is almost exclusively the political practice and public utterances of the statesmen of the time. In concluding this chapter, Dr. Merriam very properly calls attention to the fact that despite the marked democratic advances in political practice since the time of Jefferson, there had been little change in political theories. The Jacksonian Democrats but put into force the ideas that the Jeffersonians had developed but had not attempted to realize. In Chapter VI. we have an admirably clear exposition of the political, or rather ethico-political, theories of the slavery controversy. The various theories that have been advanced since the beginning of our present government to support the divergent views regarding its nature are next taken up. Here again, we have a clear exposition, but one that is strangely incomplete. Brownson and Hurd are referred to once or twice, but no attempt is made to give an adequate statement of their theories. Mulford's *The Nation*, which in its day exercised a very considerable influence in exalting the idea of a national state as the highest political product of men, and as such entitled to their chiefest allegiance, receives but bare mention. Lieber's influence in the same direction, though noted, is not sufficiently emphasized. The constitutional writings of Bateman, Baldwin, and Duer, though enumerated in the list of authorities given at the end of the book, receive no consideration. Even Pomeroy is ignored. Professor Burgess's scientific analysis of the nature of the so-called federal state receives deserved mention. In the last two chapters, entitled respectively "Recent Tendencies" and "Conclusions," together aggregating only forty-four pages, we have a running comment upon political theories and political writings since the Civil War that is necessarily brief in the extreme.

As we have already said, it is to the author's credit that in his account of political theories he has not limited himself to an examination of formal political writings, but has sought his information from political practice as well. One most important source of information, however, he has almost wholly neglected. We refer to the opinions of the Federal Supreme Court. The reported arguments of the judges of this tribunal,

especially in the earlier decisions, are a mine of information not simply upon technical points of constitutional jurisprudence, but upon current political theories in general. Starting without a body of precedents to guide them, the eminent justices of this court were forced to go back to fundamental principles of political right for a solution of such questions as the nature of law, of sovereignty, of natural rights, of written constitutions, of citizenship, of international rights and responsibilities, of the distinction between executive, legislative, and judicial powers, and, finally, of the nature of the Union itself. Chief Justice Marshall in particular, as we well know, based all of his great decisions upon general political reasoning rather than upon legal precedents. The only reference made by Dr. Merriam to this great body of judicial opinion is the statement that it was permeated with the idea of a division of sovereign powers between the states and the Union.

Summing up, then, our opinion of the work, we repeat that its briefness, necessitating as it has omissions and inadequacies of treatment, is its one defect. What Dr. Merriam has given us is excellent, and leads us to express the hope that we are to continue to receive from him contributions in this field of political philosophy, which he has apparently selected for special study.

W. W. WILLOUGHBY.

A History of Agriculture and Prices in England. By JAMES E. THOROLD ROGERS. Vol. VII., 1703-1793. Edited by Arthur G. L. Rogers. (New York: Henry Frowde; Oxford: The Clarendon Press. 1902. Two parts, pp. xv, 599; xv, 600-966.)

THE first two volumes of the *History of Agriculture and Prices* appeared in 1866. Sixteen years were occupied in the preparation of Volumes III. and IV., covering a large part of the crucial period in the history of prices (1401-1582). In his preface of 1882 Thorold Rogers declared that the portion of his work which remained was "on the whole, the clearest and easiest." Some justification for this optimistic view was afforded by the relatively speedy appearance, five years later, of Volumes V. and VI., one of the twin volumes, according to Rogers's usual practice, giving the statistical results and the commentary, while the other presented in serried columns the classified price entries which formed the basis of the work. This publication of 1887 brought the inquiry down to 1702, and there remained but the eighteenth century to investigate before reaching the self-appointed end of his labors. A considerable amount of material for this final section had been collected and tabulated before his death in 1890, enough at any rate to warrant the delegates of the Clarendon Press in requesting Thorold Rogers's son to complete the work. After repeated announcements and delays, the long-expected book has appeared, as Volume VII., Parts I. and II., "edited with sundry additions" by Arthur G. L. Rogers.

If this, as announced, is to be the concluding volume, it may as well be said at once that it disappoints our expectation. Thorold Rogers's history, with all its faults — and it has many —, is at least no lifeless mass of figures. Rogers is doubtless, as his critics declare, often ill-informed, narrow, arrogant. His own judgment on Arthur Young may with perhaps equal justice be applied to himself. Arthur Young, he tells us, "was a most careful and diligent collector of facts. His numbers may always be relied upon, his averages are exact, and his facts are copious. But he was, despite these powers of observation, an exceedingly bad reasoner, and his economical inferences are perfectly worthless." We may indeed go farther. Investigation shows that Rogers's averages are not always trustworthy, but in every case should be carefully tested before becoming the basis for such cautious and limited inductions as are alone permissible from historical statistics. But all reservations made, his work, like Arthur Young's, has vitality; it is the expression of a vigorous personality. Though doubtless at some distant day a new history of prices in England must be written with a broader documentary foundation and a wider outlook, Rogers's history will long stand as a monument of patient and fruitful industry and as a memorial of an interesting phase of the post-Mill reaction in English economics. The completion of such a work, at once so authoritative and so personal in its tone, which should aim to preserve some continuity in method and in style, would be a task from which even filial piety might shrink, but once undertaken something more might well have been made of it than the rather unhappily ordered collection of material now brought to our view. There is, indeed, a hint in the preface that the editor has entertained "the ultimate object of writing some commentary on the figures," but the present volume lacks all commentary, and at the same time is definitely announced as the conclusion of the *History of Agriculture and Prices*.

Volume VII. contains, in fact, nothing but price entries and a few illustrative documents of unequal value. To the material left by his father the editor has added entries gathered mainly from a series of accounts preserved at Brandsby Hall, together with some figures from the Castle Howard papers, both from Yorkshire. Some of these figures are incorporated in the tabulations which fill the bulk of Part I., but in no inconsiderable number they are relegated to the addenda. Further agricultural price entries may be found in the Holkham Farm Accounts, which fill 68 pages of Part II. The student will also find in Part II. a convenient summary of the statements as to wages scattered through Arthur Young's *Tours*, and wage-lists of about 1707 and 1727 extracted from Mortimer and Laurence, but he may wonder why, if such summaries and reprints were to be undertaken, the printed sources for the eighteenth century should not have been much more thoroughly examined for the information as to wages and prices there to be found. A West Riding wages assessment for 1703, here printed from the Wakefield quarter-sessions records, will find its use among the growing number of such assessments, but the utility cannot be highly rated of the 235 pages

of daily quotations of South Sea stock, Bank stock, East India stock, and Consolidated Three-Per-Cents that fill the second half of Part II.

Even if the editor had felt himself unequal to the task of interpreting his material on the same scale as in the previous volumes, with their background of economic and political history, yet a few tables of decennial averages and a brief presentation of the facts now buried in the 940 pages of figures would have been serviceable. It might, perhaps, be urged that the toil of extracting the desired information would be a salutary deterrent from the uncritical use hitherto often made of Rogers's averages. Historical statistics, it is true, are peculiarly liable to misuse, but provided adequate warning is given there can be no valid reason for failing to make the raw material as available as possible. Whatever the cause for neglecting or indefinitely deferring the publication of averages, the compiler makes no apology for the present omission. Indeed, he once casually remarks, in connection with an interesting series of Yorkshire meat prices, that "the student can easily construct tables for himself." But the student who for himself must painfully construct from the scattered price-lists a series of averages will likely enough feel some resentment at what he may consider a shirking of the editor's obvious duty. Still, eighteenth-century prices, with or without editorial elaboration, are not so common that he can afford to be over-querulous. Though his gratitude must have its reserves, he will be duly mindful of his obligation both to Mr. Arthur Rogers and to the delegates of the Clarendon Press.

EDWIN F. GAY.

Historic Highways of America. By ARCHER BUTLER HULBERT.
Vol. III., Washington's Road; Vol. IV., Braddock's Road.
(Cleveland: The Arthur H. Clark Company. 1903. Pp. 214;
213.)

FOLLOWING a chronological rather than a geographical plan, the third and fourth volumes of Mr. Hulbert's *Historic Highways* cover the earlier period of the French-English contest for the possession of the Mississippi Valley. The campaigns to the northward are omitted, the volumes consequently falling into the expedition of Washington in 1754 and that of Braddock the following year. The routes followed by these armies across the Alleghanies led from the same rendezvous, Fort Cumberland, and had the same terminus in view, the forks of the Ohio. They coincided to a certain extent. Yet the different circumstances attending the cutting of the two ways over the mountains, no less than the varying degree of thoroughness in construction, caused the author to devote two volumes to the one route.

The theme of each book is sufficiently indicated by its title. *Washington's Road* describes the conditions about the head-waters of the Ohio which caused his mission to the French and his subsequent expedition toward that region, ending in the surrender at Fort Necessity. *Braddock's Road* describes the gathering of the forces under that general, the

hardships of crossing the mountains, and the unfortunate battle at the Monongahela.

As in the prior volumes, the general effect is that of a most entertaining series. The charm of the style is evident. But there is always the feeling of having been lured from historic highways into attractive by-paths. The volume on Washington's road contains, for instance, a well-written eulogy upon Washington as the "father of the Central West," and another upon the Indian hunting-grounds in the Ohio valley—each quite remotely pertinent to the subject. The concluding chapter is upon the Cumberland road, the grandchild of the Washington road, and the subject of one of the later volumes.

In the second volume the reader comes suddenly upon these anachronous lines at the opening of Chapter III.: "Several months ago we received from that indefatigable delver in the early annals of our country, Jared Sparks, Esq., of Salem, Massachusetts," etc. The hopes thus raised of restored communication with the great editor and emendator are dashed by the later discovery of a foot-note deducted from the chapter-heading to the effect that this chapter is taken from Craig's *Olden Times*, a well-known work. This is perhaps the latest plan of speedy and economic book-making. Two other "relative papers," the one a journal kept on the Braddock expedition, from which presumably the Morris journal was expanded, and the other certain extracts from printed letters of one of Braddock's officers, aid materially in this aspect of the work.

At the risk of the charge of petty faultfinding, it may be said that modern Canadian authorities will scarcely sustain the statement that La Chine was so named because the French believed that the St. Lawrence River led to China. They agree rather that the term originated in derision of La Salle's efforts. It is true that the provision for making portages between navigable waters common highways was placed in the Ordinance of 1787; but it was the reenactment of a resolution passed by Congress more than a year previously. On page 77 of Volume III. Watertown should no doubt be Waterford.

In these volumes, as in the earlier ones, the author is most interesting when he doffs the sophomoric gown and puts on the rough garb of the explorer. His search for the exact outlines of Fort Necessity, and his tramp along the grass-covered outline of the deserted Braddock road are fully as attractive as his inflorescent flights of fancy, and they are much more nearly contributions to historic knowledge. Here would seem to lie the proper field for investigations of historic highways rather than in a discussion of Braddock's responsibility for his defeat or in the ethics of the slaying of Jumonville.

It is scarcely fair to make a comparison between these volumes and Winsor's *Westward Movement*, the work which seems most akin to them. They are intended to attract the general reader, while Winsor designs to give information. They are confined to highways of Pennsylvania and Ohio. Winsor, in his exhaustive and scholarly manner, covers the con-

continent. The Harvard expert in cartography never turns aside from the tracing of a route to lament in many pages that George Washington is gradually becoming lost to the American imagination except where he is preserved as the general or the president. But it is equally true that the series on *Historic Highways* will attract readers to whom Winsor would be intolerable. Such a comparison is not at all disparaging to the later writer and seems the best way of getting at the exact value of the volumes under consideration.

EDWIN ERLE SPARKS.

The True History of the American Revolution. By SYDNEY GEORGE FISHER. (Philadelphia and London: J. B. Lippincott Company. 1902. Pp. 437.)

MR. FISHER yielded to a strange perversity in selecting a title for his book. He offends all the previous writers upon the subject by calling his book the *True History*, implying that all previous histories have been false. He then opens his preface by declaring himself outside the pale of the community of historians, for he does not agree with "the historians"; indeed, he pledges himself not to agree. Yet he is an honorable man, and has been burrowing amid the dust of pamphlets, where he has found some startling revelations. He puts his reader in a fever of expectation by announcing in a stage-whisper that he is about to tell him a terrible secret about the American Revolution. Yet the truest thing that can be said about this book is that it does not quite come up to the sounding phrases of the manifesto.

The work is not in the first place a history of the American Revolution, but a series of special arguments to prove certain facts about the Revolution upon which the best historians and teachers of history have been agreed for twenty years. No man who had read Channing's *United States of America, 1765-1865*, or the same author's *Student's History of the United States*, or Lecky's account of the American Revolution, or Winsor's sixth volume, or Lincoln's *Revolutionary Movement in Pennsylvania*, or Tyler's *Literary History of the American Revolution* — no man could have read these and numerous recent monographs, and then seriously have written this book. The most charitable thing one can say of Mr. Fisher is that he does not know of these works. He is talking throughout his book of the false views of historians, when he can have none in mind but the obsolete works which few now read.

Wherever Mr. Fisher does depart from the now generally accepted theories it is on some minor point, and consists of a reckless guess as to a motive, as (p. 111) in discussing the tea controversy he declares that Adams and his people "did not want the tea to be stored and rot because they were planning an outbreak, a truly Boston and Massachusetts outbreak which should be self restrained, and yet sufficiently violent to force both English and Americans to an open contest." Again (p. 151), he says that the American people wouldn't pay any attention to Rousseau

because he was "an immoral, eccentric and violent man." Mr. Fisher has forgotten that these adjectives apply with singular fitness to Paine, and his pamphlets were read by the hundred thousand. In the chapter on the "Rights of Man" he quotes Burlamaqui's *Principles of Natural Law* and talks as if the colonists read Burlamaqui as they read Tom Paine, assuming that they took his principles one by one, were pleased with them, and adopted them in their own political arguments. Of course the number of such readers was very limited. On page 142 he even bursts into rhapsody, declaring that the colonists' "imagination seized on it [Burlamaqui's book] with the indomitable energy and passion which the climate inspired. . . ."

Mr. Fisher's weakness seems to lie in the lack of the training of the very historians whom he affects to despise. He not only does not know what has been done in history, but he does not use the historical method of work, nor make a proper critical estimate of the value of the books upon which he depends. Using at times the greatest care to support his statements, he introduces at other points a reckless daring in generalization. Again, he substantiates a statement by quoting from fugitive pamphlets, whose value depends upon the accuracy of their references to such realities as laws and customs; but for Mr. Fisher the value of the pamphlets consists in the fact of their existence, and he never has consulted the cited law to learn whether it ever existed or had the purport ascribed to it. Taking the facts as he presents them, the author thinks clearly and forcefully. If his work were authoritative, it would be a contribution because of the unusual emphasis which he has put on certain points in Revolutionary history. Of 402 pages, 300 are used to get the Declaration of Independence made, 40 pages carry us from Saratoga to Yorktown. The book is dangerous for the general reader—who is not, however, likely to get far enough into it to suffer harm—and does not satisfy the specialist, because of the constant doubt as to whether the writer has gone, except capriciously, to the ultimate sources.

It is of interest to note how Mr. Fisher comes to conclusions of a startling nature, because he has left out the principal factor that determined these results. In pointing out the long periods between battles, and the delays by the British government (p. 259) he remarks, "England would not in modern times allow such a long interval to elapse in the suppression of rebellion." No, she would act as much more rapidly as steam-power is more swift than sails. A like omission of the chief logical factor is in the discussion of the relative amount of self-government in Massachusetts (p. 120).

The ostentatious attacks on the opinions of "the historians" are the greatest blemishes of the book. The general public does not care what errors the previous historians have made, and the special student knows—in this case—that "the historians" are only men of straw. The author is obliged often to go back to historians whose work was long ago cast aside, if he is to have any one in mind when he says "the historians." So he must have done when (p. 111) he wrote, "The

common statements in some of our histories that Governor Hutchinson was the vacillating and cowardly agent of tyranny, are utterly without foundation." A like state of mind must have induced the statement about the historians who "jump at the conclusion that Jefferson stole his ideas from the Virginia Bill of Rights or the Mecklenburg Resolutions" (p. 150). Again, he openly accuses historians "of placing certain facts in the background, because they did not show sufficient tyranny or oppression on the part of England" (p. 96). Sometimes he attacks "the historian" and the good sense of his reader at the same time, as in the discussion of the documents and addresses wherein the colonists declare their "Heartfelt loyalty." "Those fulsome expressions," says the author, "deceived no one at that time, and why should they be used to deceive the guileless modern reader?" Such statements were "merely the nets and mattresses stretched below the acrobat in case he should fall" (p. 92). By such assertions he attempts to prove the point that the colonists were consciously seeking independence from the first, whereas there is nothing to show that any but a very few of the colonists were early scheming for independence. Mr. Fisher's interpretation of Howe's conduct has often been advanced as an explanation of his course, but the author has simply seized upon this, ignoring all else, and has made it the thread of his account. The argument is not effectively presented to the reason, but is made impressive by continual harping upon it. The best support of the theory is given on pp. 303-304. There seems to be little doubt that Howe's Whig politics did soften his campaigning.

In addition to these faults in his method of work, and the mechanical management of his story, Mr. Fisher's style is very unfortunate for a writer of history. He has a sneering, insincere way of handling an argument, which creates a lack of confidence in the worth of his conclusions. He has made himself the Thersites of the American Revolution, jeering and ridiculing most of the reverend characters and solemn events of that struggle. He flouts Boston in his account of the tea-party: "The vast crowd was perfectly silent, a most respectful Boston silence" (p. 112); and because the "good order" was boasted of by the patriots, the author sneers, "it was so neat, gentle, pretty, and comical, that to this day it can be described in school-books" without the children's seeing that it was a riotous breach of the peace. Again, he becomes actually silly in his efforts to divest the Revolutionary army of a hypothetical fine appearance which some unknown author has ascribed to it. It is pleasant to think, says Mr. Fisher, "that each hero put on his beautiful buff and blue uniform, brought to him presumably by a fairy, or found growing on a tree, and marched with a few picturesque hardships, to glorious victory" (p. 261). The narrative is constantly interrupted by jaunty suggestions and interpolations of the author, together with detached information and stories, good in a book of anecdotes, but having no logical place in his history. To this poor literary taste he adds bad historical taste in his fondness for fanciful historical

pictures, as, in describing the meeting of the first Continental Congress, he pictures the members "burying themselves in Grotius, Puffendorf, Burlamaqui, and Locke" (p. 184), because these works were accessible to them in the Philadelphia library.

In spite of all these faults, one cannot feel, however, that the book is not worth while. The conservative, careful student can get many good suggestions among Mr. Fisher's special interests. He has a legal rather than a historical mind, and where he is treating legal matter he is at his best. The book cannot be wholly ignored by students of the Revolution.

C. H. VAN TYNE.

The Loyalists in the American Revolution. By CLAUDE HALSTEAD VAN TYNE. (New York: The Macmillan Company. 1902. Pp. ix, 360.)

It is now nearly eight years since the late Moses Coit Tyler called attention by a striking article in the first number of the *AMERICAN HISTORICAL REVIEW* to the need of dealing more fully and especially more fairly with the Loyalism of the American Revolution. The influence of his advice and of his own work has since become evident in various ways; it is to be assumed that it has had something to do with two recent noteworthy additions to our literature in this field—the present study and Professor Flick's earlier one, *Loyalism in New York*. The latter valuable dissertation is territorially of limited scope, and Mr. Van Tyne's work is much more ambitious; the present reviewer must frankly declare his belief that it would have been better if he also had been content with a part of the subject. That the book cannot be called a satisfactory history of the Loyalists, however, by no means implies a general condemnation; it may well be that the time has not yet come for a general treatment. The present book is indeed a promising one, very clearly the work of one who can do much better work. Its tone is admirably objective, and, so far as it goes, it is for the most part unimpeachable both in material and in method. It adds perceptibly to our information and deals with some phases of the subject in a very adequate manner. It is defective chiefly because it attempts too much, because the author does not seem fully to have counted the cost of such a large undertaking, or has not been able to give it the necessary effort either in research or in construction. We have here no comprehensive, adequately based and organized history of this great feature of the Revolution; rather, we have a loosely arranged group of essays, in texture often rather chatty, without adequate framework, not showing full grasp of the material nor effective synthetic power.

This censure is based in considerable degree upon the almost entire absence of background in the work. It plunges into the Revolutionary scene without any effort to deal with the bases of Loyalism or to trace the beginnings of the later divisions in the history of the years immedi-

ately preceding. What can be regarded as essential here will be made clearer by considering the fairly successful attempt of Professor Flick in his first chapter to present the pre-Revolutionary development of factors and tendencies—social, religious, political, industrial—that lie at the root of the later conflict in New York. Connected with this is the inadequacy of Mr. Van Tyne's analysis of the Loyalist party at the beginning of the revolt; even when supplemented by later brief passages, we feel that the problem has not really been grappled with. It is doubtless true that "The motives and combinations of motives, the characters and phases of character might be multiplied indefinitely," but it is the business of the historian to deal with the general aspects that enable us roughly to classify individuals and make us in some degree independent of the personal equation. A part of this problem is surely an effort to distinguish between Loyalism in different sections of the country; but no clear distinctions of this kind are made, either with regard to early aspects or to later developments. Most of the general assertions of the writer are made indiscriminately; his pages seem to take no account of the fact that he is dealing with thirteen very distinct communities ranging through a wide territorial area and fundamentally diverse in various ways.

I have said that Mr. Van Tyne does not show an adequate grasp of the material. It will be found on examining his citations that his general statements seem based upon material less in amount and not much more generally representative than that used by Flick in his examination of New York Loyalism. He makes little use of the Loyalist literature and depends for his journalistic material almost solely on *Rivington's Gazette*. There are two references to the *Pennsylvania Evening Post*, one to the *Newport Gazette*, and one to Almon's *Remembrancer*. Rivington's journal is doubtless a most valuable source; but it should be noted that Flick describes it as one of three New York Loyalist journals that "give three different pictures of loyalism." It must be said in this connection that the reviewer cannot concur in the author's decision that the existence of bibliographies in Flick and in Winsor "renders it unnecessary to include a bibliography" (preface, p. ix). A critical bibliography is rarely out of place. There is an entire absence of the impressive massing of references used by Flick, and important statements are at times made with little or no support. On page 161 we are told that "The Tories made every effort to render the state of war as odious as possible, and to this end many turned renegade and robbed and destroyed in so secret and mysterious a manner as to make life in their vicinity a state of terror." Absolutely no proof is given for this, though it certainly looks like a hasty acceptance of a Revolutionary legend that reminds us of the "Brigands" of the French Revolution. We are informed (p. 18) without reference that the Loyalists urged strenuous action on the British government; only one citation is given for the unqualified assertion on page 109 that "In New England, the people became convinced that their religion as well as their liberty was

in danger." A statement is made on the authority of Flick as to the number of New York Loyalists in the British service, and it is added, "All of the other colonies furnished about as many more," but no authority is given. Chapter X. is given the up-to-date title, "Reconcentration Camps and Banishment," but nothing is told us about camps or about reconcentration. No effort is made to deal with the immediate effects of the property changes consequent on the Loyalist removals and confiscations, though Mr. Flick had pointed the way to this in his statement that in New York "The revolution was thus a democratic movement in land-tenure as well as in political rights." Such an inquiry would of course be a considerable undertaking, but my main object in this criticism is to bring home a proper sense of responsibility in entering upon an extended theme.

In the last paragraphs of the book some general statements call for serious dissent. On pp. 302-303 we have a note in connection with the summary of the results reached by the British commission for the examining of Royalist claims; it concludes with these words: "(Again, a rough estimate shows that nearly two thirds (of the claimants) were not natives of America. In other words, the active Tory of the American revolution was such, in a majority of cases, because he had not become a thorough American, had not yet fully imbibed American ideas.)" I will assume that the estimate is roughly accurate, but must contend that the conclusion drawn is in the highest degree hasty and untrustworthy. It must be remembered that the "active Tory" was very generally a development from the early moderate Tory and was developed mainly by Patriot intolerance. However this may be, this conclusion is diametrically opposed to the opinions of Professor Tyler and Professor Flick. Professor Tyler points out as a typical instance that in the list of 310 Tory leaders banished from Massachusetts by an act of September, 1778, the names "will read almost like the bead-roll of the oldest and noblest families concerned in the founding and upbuilding of New England civilization" (*The Literary History of the American Revolution*, I. 303); he concludes his examination of this question with the assertion that "it is an error to represent the Tories of our Revolution as composed of Americans lacking in love for their native country, or in zeal for its liberty, or in willingness to labor or fight or even to die, for what they conceived to be its interests" (*ibid.*, p. 314). Professor Flick tells us that "all of the loyalists, save a few extremists, desired peace on the broad ground of the American interpretation of British constitutional rights" (*Loyalism in New York*, p. 50); that while after 1776 the Loyalists were compelled to appear as unqualified supporters of Great Britain, "They were Americans and proud of it" (*ibid.*, p. 56). Mr. Van Tyne's own narrative is against him, and one is inclined to suspect that this later statement is due mainly to haste. But our confidence in his real comprehension of the Loyalists is again much shaken by the concluding sentences of the book, presenting them simply as the embodiment of sleek prosperity and materialistic content: "They were the prosperous and contented men, the

men without a grievance. . . . Men do not rebel to rid themselves of prosperity. Prosperous men seek to conserve prosperity' (p. 307). I have no space left for comment on this. It may readily be admitted that conservatism is usually strongest among those who have most to lose; but if this is Mr. Van Tyne's explanation of the Loyalism of the American Revolution it is not surprising that his book should be unsatisfying.

I have criticized not only the matter of this volume but the form of its presentation,—the more so as it is evident that the author has aimed to make it of popular interest. It is deficient in firmness and definiteness of plan and treatment, much in need of pruning and readjustment, marred also here and there by indications of hasty and unwise contraction and by repetitions (compare the opening sentences of the main paragraphs on pages 223 and 224, and the third and fourth sentences on page 17). Peculiarities of diction are sometimes painful; as the styling the demolition of houses for fuel by the Tories in Boston "fire-worship" (p. 54), and the statements that Galloway spoke the truth "when it was not obscured from him by passion" (p. 87); that the justices of the peace "administered the political shibboleth" (*i. e.*, the oath of fidelity, p. 135); that the early policy of the states in regard to the Tories "forces the belief upon us that conversion was the consummation devoutly to be wished" (p. 212). It should be added that there is a good index and that pp. 309-341 give most useful tabulations of anti-Tory legislation. The book has indeed many defects, but I repeat that it still shows that its author can do better; it is to be hoped that Mr. Van Tyne may continue his work in this field and in time provide us with a wholly satisfactory treatise.

VICTOR COFFIN.

Daniel Boone. By REUBEN GOLD THWAITES. (New York: D. Appleton and Company. 1902. Pp. xv, 257.)

THIS little book is strictly a life of Boone, and not a history of his times or of the regions where he lived. The author has distinctly disclaimed making him the hero of things which he did not do and of qualities which he did not possess. He has confined himself to showing what manner of man he was who came to such renown among his contemporaries and is esteemed a hero by the passing generations. The frontispiece is a reproduction of an authentic portrait of Boone in his old age by Chester Harding. The text is characterized by clearness of outline, balance of parts, unity of purpose, and completeness in itself. The author frankly states that he has not attempted to exhaust the sources of information about Boone. Had he done so, he must have cast his book in a different mould and on different lines. The present book is one of the Appletons' Series of Historic Lives.

George Boone, the grandfather of Daniel, came to Pennsylvania in 1717. He was a weaver by trade, born and bred to be a modest member of an English industrial village. Daniel Boone went backward to the

remotest verge of the agricultural stage of life, wherein men are unable to procure subsistence by agriculture alone and are obliged to supplement it by hunting. But he was not therefore a degenerate. Hundreds upon hundreds of American pioneers have done the same thing. This retrogression is a legitimate item in the expense of colonization, a part of the price which the higher civilization has to pay to conquer the frontier for itself. The stage of life to which the pioneers had to adapt themselves was in many respects parallel to that of the Indians with whom they came in sharp and bitter conflict and from whom they are sometimes said to have copied in manner of life and mode of warfare. But there was this very essential difference between the two races. The one had worked its way painfully and slowly upward and the stage of culture which it held was its latest racial attainment. The other had gone backward temporarily; it "stooped to conquer" and quickly rallied, generally within the generation, to its normal stage of progressive agriculture and industry.

The process was repeated over and over again. Indeed this backward stage on an ever-receding frontier forms a long, continuous, and distinct phase in American history. Most writers and students have found themselves more interested, and perhaps quite naturally, in the dynamic problem, in watching a people working out of the lower into the higher stage. But the static problem, the problem of a people living in the lower stage, is of sufficient magnitude, interest, and importance to merit clear recognition and discriminating treatment. It had its own conditions; it devised its own forms of organization; and it produced its own code of social conduct. Daniel Boone is its typical representative and popular hero.

Boone lived practically all of his life on this quasi-agricultural stage. He loved the life he lived and shunned the society which most men crave. While disposed to be orderly and law-abiding, he was irritated by those restraints upon the freedom of individual action without which a populous community cannot maintain orderly existence. He lost his property because he neglected to comply with the formalities through which alone private property in such communities can be protected. He wanted elbow-room and moved from Kentucky up to the Kanawha and thence out to Missouri to get it.

Sevier would not answer for the type of manhood on this stage of life. His is a different and a greater glory. He went down through it and rose up out of it to be a commonwealth builder. George Rogers Clarke would not answer, for he became a misanthrope. But of all the vices common to mankind or peculiar to men on this stage of life, and of all the corresponding virtues, Boone combined in himself fewer of the vices and more of the virtues than perhaps any other man known to fame. In his career, so admirably presented by Mr. Thwaites, we may find for contemplation an excellent type of the life peculiar to and characteristic of the conditions of the American frontier statically considered.

FREDERICK W. MOORE.

The Writings of James Monroe. Edited by STANISLAUS MURRAY HAMILTON. Volume VI., 1817-1823. (New York and London: G. P. Putnam's Sons. 1902. Pp. xviii, 444.)

EVEN a somewhat dull man's letters may make interesting "copy," provided he has been made President of the United States; and Monroe's letters of these seven years form no exception. Public affairs of importance and of varied interest are handled, not with brilliancy or pungency of expression, but with justice, discretion, and solid sense. The volume thus becomes, through these letters, an important contribution to American history in a period not on the whole so well illuminated as some that preceded it. One cannot help feeling a certain disappointment that there are not more of them, especially since these seven years are precisely those in which Monroe's personality is of most importance to his country's history. In proportion to Mr. Hamilton's fullness in earlier years, ninety letters for the chief years of Monroe's presidency seem few. He has apparently printed all that are of importance among the Monroe, Madison, and Jefferson papers in the Bureau of Rolls and Library. But one wonders if there are not other valuable letters in Washington, for instance among the miscellaneous letters of the period in the Bureau of Indexes and Archives, and feels almost certain that there are such among the Adams papers at Quincy, where Mr. Ford found so much for his more special purpose. Perhaps Mr. Hamilton has done all he could. Certainly he has done much, and one ought not to carp. It would seem, however, that it must have been possible to include the Monroe letters of this period which appeared in the *Bulletin of the New York Public Library* for last June and July, especially the letter of August 5, 1817, to George Hay, and that of July 31, 1823, to Fulwar Skipwith, both of which are on the whole more interesting than any printed in this volume, except the well-known letters written to Jackson in 1818.

Of the nine letters not derived from the Jefferson, Madison, and Monroe papers, four are taken over from Parton's *Jackson*. In the case of three of the four this does no harm. But in the case of the letter of December 21, 1818, it is most unfortunate. Parton took these letters from Calhoun's pamphlet of 1831 on the Seminole controversy. This one he mutilates in an extraordinary manner, cutting off the important final paragraph and then reasoning as if it had never existed. The reader can easily compare Parton, II. 528, with Calhoun's *Works*, VI. 421. Mr. Hamilton, by following Parton, presents the mutilated version.

For the uses to which the volume will be put it needs more explanatory foot-notes. The texts show frequently the fault which has been mentioned in the case of some previous volumes — the printing of a word which does not make sense when a word closely resembling it was certainly intended and might better be substituted. If by a slip of the pen the word which the editor prints has really been written, it is open to him to print the correct one in brackets. Instances which illustrate the defect are: "They say'd the opportunity," for "seiz'd" (p. 27);

"an annual expenditure nearly exact to the sum required," for "nearly equal" (p. 44); "a banditti . . . resting for support on presumed impurity within us," for "impunity" (p. 47, relating to Amelia Island). It would also, I now believe (though I own I did not always think so), be a perfectly allowable act on the part of an editor of nineteenth-century correspondence to alter corduroy punctuation into macadam, provided there is not the slightest doubt as to the meaning. Monroe often punctuates casually; his commas are not inspired, and they do trouble the reader.

Less than half the volume consists of correspondence. A hundred and fifty pages are taken up with inaugural addresses and with messages to Congress. These are procurable (at varying expense, apparently) in Mr. Richardson's valuable and expensively-indexed compilation; yet they belong here, beyond a doubt. One is not so sure about the last hundred pages. These form a collection entitled "The Genesis of the Message of 1823; Contemporaneous Correspondence on its Reception and Effects." It embraces some forty-nine letters. None of them were written by Monroe. Most of them have been printed before, including nearly all that deal with the genesis of the Monroe declaration — the familiar letters of Rush, Canning, and Adams. Neither these nor the letters of 1824 are a necessary part of such a series as the present; and as for explaining the genesis of the Monroe doctrine, Mr. Ford has already done that in a more enlightening manner and in a more perspicuous form.

J. FRANKLIN JAMESON.

Daniel Webster. By JOHN BACH McMASTER. (New York: The Century Co. 1902. Pp. xi, 343.)

The Letters of Daniel Webster, from Documents owned principally by the New Hampshire Historical Society. Edited by C. H. VAN TYNE, Ph.D. (New York: McClure, Phillips, and Co. 1902. Pp. xxii, 769.)

PROFESSOR McMASTER's volume is, in the best sense, a popular biography, and as such is cordially to be commended. It is pleasantly written and easy to read, but makes no particularly new contribution to our previous knowledge of Webster's life. Professor McMaster has at his command an unusual wealth of incident bearing on the period with which he deals, and he uses it, especially in the earlier chapters, to the enlivenment of the narrative. Much use is also made of Webster's letters and speeches, the extracts from the latter being frequent and extended, it being the aim, apparently, to let Webster speak as much as possible for himself. The general tone, while impartial, is at times adversely critical, and there will doubtless be disappointment that the great moments in Webster's career, particularly his attitude towards the slavery movement, have not been more prominently emphasized by a biographer so competent. The thirty-four illustrations, mostly portraits, are well done, and there is an admirable index.

Mr. Van Tyne's edition of Webster's letters is a valuable supplement to the two volumes of *Private Correspondence* published by Fletcher Webster in 1856. An interesting account of the fate of the Webster papers—typical of that which not seldom has befallen the papers of other distinguished men in this country—is given by Mr. Van Tyne in his preface. At the time of Webster's death, in October, 1852, most of his papers were at Marshfield. Those which were left in Washington, together with copies of the semi-official correspondence between Webster and Fillmore, were shortly sent to the same place, while copies of other letters were obtained through the efforts of the literary executors. The plans of the latter for the publication of the papers were, however, frustrated by Webster's son Fletcher, who turned over to the executors only such letters as he himself proposed to publish, though he received from Edward Everett a great mass of letters, the executors having decided to send to Fletcher Webster "such portions" of the correspondence and papers "as it might be deemed expedient to publish." After the issuance of the *Private Correspondence*, the borrowed copies were returned to the executors "in a confused condition"; and the three principal collections now remaining are, in Mr. Van Tyne's phrase, a "hodge-podge."

The letters retained by Fletcher Webster were divided between Professor Sanborn, of Dartmouth College, and Peter Harvey. Harvey's collection, with additions, was presented in 1876 to the New Hampshire Historical Society, and it is upon this collection, numbering over 3,500 letters, that Mr. Van Tyne has mainly drawn in the volume now published. The valuable collection owned by Mr. C. P. Greenough has not, save for ten letters, been available, perhaps because of its intended use in the new edition of Webster's works announced by Little, Brown, and Company, but some thirty letters have been drawn from the large collection of Mr. Edwin P. Sanborn, of New York. As it is, however, the Webster correspondence is still fragmentary. Many letters known to have been written have disappeared, while some of Webster's best-known correspondents are represented by but a few letters.

Mr. Van Tyne's edition is itself a selection. He has not undertaken to print anything like the whole mass of correspondence and memoranda to which he has had access, but such parts only as he judged to be of permanent interest, or typical of Webster's conduct or opinions in certain personal relations. Of the thousands of letters preserved, many are obviously of no consequence, and those he has wisely left untouched. Passages omitted without indication in letters printed by Fletcher Webster are given, if important, while many letters from Webster's wife and children have, on the other hand, been shorn of their unimportant or repetitious personal phrases. The method is dangerous, and would hardly be permissible in a more pretentious collection, but we do not imagine that there will be much criticism of Mr. Van Tyne at this point, though one must of course take his word for it that the excision has been judicious.

The volume now before us contains 653 letters from Webster, 217 letters to him, and 93 miscellaneous pieces. The varied contents of the collection has led Mr. Van Tyne to reject the chronological arrangement and group the papers under a topical classification. The grouping is in ten divisions: early life, the local politician, the national statesman, family relations, relations with friends and neighbors, the farmer of Marshfield, intellectual interests, the sportsman, personal finances, and religious and moral character. On the whole, the division fits fairly well, though the line between local and national political activity will seem to some rather arbitrary. Mr. Van Tyne draws the line at 1823, when Webster returned to Congress after an absence of six years. Of the papers of the local period, the most notable is the draft, hitherto unpublished, of Webster's speech on Giles's conscription bill, December 9, 1814. Part of the argument against the proposed measure recalls the opinions of Jefferson and Hamilton on the constitutionality of a national bank, while the declarations as to the powers of the states sound a bit strange when Webster's later utterances are remembered. The reason for reprinting verbatim from the *Private Correspondence* the paragraph on p. 93, declaring Webster's opposition to the congressional caucus, is not clear.

In the section on "Webster as a National Statesman" the most interesting single document, again, is not a letter, but the outline of the Seventh of March speech. The famous phrase "I would not take pains uselessly to reaffirm an ordinance of nature, nor to reenact the will of God" (*Works*, V. 352), stands here, "I will not reaffirm," etc. (p. 397). The qualifying words in the speech as printed are significant. The letters show the wide-spread approval of the speech outside of New England, and the attempts to get an endorsement of it in Massachusetts, where the opposition was bitter. That Webster might have been the great leader of the antislavery forces is clear from a letter of January 29, 1838, to Benjamin D. Silliman, in which he gives it as his opinion "that the antislavery feeling is growing stronger and stronger every day," and that "the substantial truth" ought not to be yielded "for the sake of conciliating those whom we never can conciliate" (p. 211). It was a devious course which led him from this to speak, in 1851, of "Abolition notions" (p. 476), or to write to Petigru in August, 1852: "The *οἱ πολλοί* of the Whig party, especially in the north and east, were, in March 1850, fast sinking into the slough of free soilism and abolitionism. I did what I could to rescue the country from the consequences of their abominable politics. I disdain to seek the favor of such persons, and have no sympathy with their opinions." Professor McMaster's volume, read in connection with the letters presented by Mr. Van Tyne, shows but too plainly how Webster, from the time he became a popular idol and a hankerer after the presidency, changed steadily from the statesman to the politician. There are numerous allusions in the letters to his presidential aspirations, and his desire to "steer his boat with discretion."

The *errata*, though not numerous, are of the kind that ought not to occur. Landon for Jaudon (p. xxii), Plummer for Plumer (pp. 74, 110, 552), Abbot for Abbott (p. 449), Daniel T. Tompkins for Daniel D. Tompkins (p. 85), Curtiss for Curtis (p. 470), and Wallcot for Walcott (p. 580), are among the misprints, together with such erroneous readings of the manuscript as Sauger for Sanger (pp. 441, 470, and elsewhere), W. H. Grinnell for M. H. Grinnell (pp. 537, 539), Colgent's for Colquitt's (p. 608), Tuckers for Suckers, contemporary slang for people of Illinois (p. 221), and Doroney for Downs, senator from Louisiana (p. 399). "The letter to Reverend Goddard" (p. 735) is at least inelegant. The numerous foot-notes are brief, but generally sufficient. There are a few slips, as on p. 372, where the career of E. Rockwood Hoar is made to appear as that of his father, and on p. 462, where the first note is meaningless. Note 2, p. 625, is a repetition of a part of the preceding letter. The Horatio G. Cilley noted on p. 742 is apparently the same person as the one referred to, with a different residence, on p. 743. The absence of an index is extraordinary, and is but partially atoned for by the full table of contents and useful chronological indexes of the papers.

WILLIAM MACDONALD.

Georgia and State Rights. By ULRICH BONNELL PHILLIPS, PH.D.
(Washington: Government Printing Office. 1902. Pp. 224.)

THIS is the essay for which the Winsor Prize of the American Historical Association was awarded in 1901. Its subtitle describes its scope, "A Study of the Political History of Georgia from the Revolution to the Civil War, with Particular Regard to Federal Relations." The essay, of more than two hundred pages, has to do with some of the most important subjects in American constitutional history. Georgia in the making of the Constitution; the expulsion of the Cherokees; the case of the Cherokee Nation *vs.* Georgia, and that of Worcester *vs.* Georgia; the attitude of Governors Troup and Lumpkin and of Georgia toward the national government; Jackson's attitude toward Marshall's decision; and the practical nullification of Georgia in the Worcester case — these are some of the important topics within the first half of Dr. Phillips's treatise. On all these topics the essay makes very helpful contributions for the student's use. In connection with these topics the author considers the various factions and parties in Georgia politics, and he brings within his view the public life and opinions of prominent statesmen of Georgia like A. S. Clayton, Gilmer, Forsyth, Crawford, Colquitt, and, later, men like Toombs, A. H. Stephens, Howell Cobb, Herschel V. Johnson, and Joseph E. Brown — men whose influence in the arena of national politics has been such that no student of American history can afford to be ignorant of their personal careers.

In considering state issues and state leaders the constant relation of these to national politics is indicated. The strength and composition of

the Whig party in Georgia, and its relation to the party at large; and the attitude of Georgia's public men on state sovereignty, the tariff, annexation, and slavery are instructive parts of the volume. We conclude from Dr. Phillips's essay that the strength of the Whig party in Georgia was due to the popularity of their leaders and to the tact with which they avoided national issues for the sake of state and personal issues. The Whig leaders also attempted to make their voters believe that the national Whig organization was as safe as the Democratic as a guardian for the interests of slavery. In this they succeeded in 1848, but not in 1844, as Taylor carried the state against Cass, but Clay lost it against Polk, from pro-slavery considerations in each case.

A section of the book deals with the slave system of the state, the slave code, the slave-trade, the condition of the free negro, the effect of the cotton-gin and of the abolition agitation. A spirit of sympathy with the Southern point of view pervades the volume. "There was apparently," says the author, "a steady advance of sentiment in Georgia against the justice [*sic*] of slavery from the time of the adoption of the Federal Constitution until Garrison began his raging" (p. 158). Slavery is described as "mild servitude of a patriarchal character," with a "softer side . . . than that which such prejudiced observers as Olmsted and Frances Kemble have described" (p. 155). "The field hands were usually under their owner's personal supervision. . . . The slaves were governed by harsh overseers only in very rare cases" (p. 154).

The later chapters of the book deal with the struggle over slavery in the territories; the Wilmot Proviso and its effect on parties in Georgia; the Whig connivance at Howell Cobb's election as speaker of the national House; the support that Cobb, Toombs, and Stephens gave to the compromise measures of 1850, by whose coalition a union sentiment was maintained in Georgia and the "Constitutional Union" party was formed,—a coalition that elected Cobb to the governorship and, against the counter organization of the "Southern Rights" party, displaced Berrien, the "last of the older school of Georgia statesmen," with Toombs, in the United States Senate; the struggle of 1852, in which Toombs and Stephens repudiated General Scott as the Whig national candidate, giving the state to Pierce by an overwhelming vote; the Kansas-Nebraska struggle and its results; the influence of the Dred Scott decision and of John Brown's raid; and the final struggle in Georgia between Toombs and Stephens over immediate secession,—all these matters and many minor ones are touched upon with more or less of detail. The book is a compact compendium of valuable matter, well arranged, but without much color.

The essay fulfils its title. It is a political history of Georgia in relation to national affairs. It is therefore of interest, not only to the special student who may be interested in Georgian history, but to the general student of American politics. There is a good index, and a series of maps shows the political geography of the state at various periods.

JAMES A. WOODBURN.

The Second Bank of the United States. By RALPH C. H. CATTERALL. (Chicago: The University of Chicago Press. 1903. Pp. xiv, 538.)

THIS volume, which appears in the "Decennial Publications of the University of Chicago," is an exceptionally fine example of original historical research on an extended scale, devoted to a limited subject of inquiry, undertaken by a single investigator. The author was unusually fortunate in laying his hands upon something really original in every sense of the term, and this good fortune accounts for much of his success. It is not every investigator who can gain access to unworked archives, and some of those who do enjoy this opportunity make a sorry mess of their privilege; Mr. Catterall, however, has treated his material admirably, so that there is form as well as matter.

The proportions of the book are generous and comprehensive; the administrations of the several presidents of the bank, Jones, Cheves, and Biddle, are taken up in order, and the distinctive features of each plainly characterized. The statistical material is so carefully tabulated that in Biddle's administration two stages of policy are clearly defined. Of the strictly historical part of the book, nearly one-half is given to the years 1816-1829, a period generally neglected. The appendixes contain many useful documents and memoranda; there is a bibliography of fourteen pages, and intelligible charts add to the usefulness of the work.

The second United States Bank has long held an enigmatical position in American history. It indeed has been held accountable by one writer or another for almost everything that happened between 1829 and 1837. Mr. Catterall has unveiled the mystery, and henceforth writing the history of the Jacksonian period ought to be an easier task. The author has used to good purpose not only the documentary material that has been available to all historians, but through the courtesy of Mr. Craig Biddle he has had the advantage of examining the papers of Nicholas Biddle, including his manuscript correspondence and his letter-books as president of the bank. As Biddle was a generous writer and attached to himself correspondents who also wrote freely, the treasure-trove thus gathered is of the richest sort.

In the second place, the author has thoroughly mastered the political arithmetic involved in the discussion of domestic and foreign exchange, discount, branch drafts, race-horse drafts, and bank statements. This comprehension of banking practice is visible throughout the work; its service is especially valuable in Chapters II. and III., which deal with the disastrous years 1817 to 1819; in Chapter VI., which treats of the branch drafts; and in Chapter XIII., which is devoted to the contraction and panic of 1833-1834.

There are two bank questions in particular which have puzzled American historians: the first is the origin of Jackson's antagonism to the United States Bank; the second concerns Clay's relationship to the struggle for a recharter. On each of these points the author has decided

opinions and presents new evidence. It is concluded that when Jackson entered upon the presidency he was definitely hostile to the bank; the proof in regard to this is held incontrovertible (p. 183). This opinion, which, as is well known, is opposed to that of Parton, Von Holst, and Schouler, is based in part upon the documentary evidence accessible to all investigators, but is strengthened by certain letters found in the Biddle files. Mr. Catterall lays great stress upon an undated and unsigned letter attributed without question to Jackson, which reads as follows: "I think it right to be perfectly frank with you; I do not think that the power of Congress extends to charter a bank ought of the ten-mile square. I do not dislike your bank any more than all banks, but ever since I read the history of the South Sea Bubble I have been afraid of banks." It is held that this deep-seated conviction of Jackson, antedating his inauguration, was the real cause of active opposition; for this reason the Jeremiah Mason Portsmouth branch episode is not regarded as of serious importance, but simply as one of a series of cumulative attacks upon the bank.

The author lays hold of the root of the whole controversy by his keen appreciation of the attitude of democracy to the bank, the growth of hostility to monopoly, and the development of the spirit of "envy and hatred which the poor always feel for the rich." The significance of this growing sentiment of popular suspicion of money monopoly in the years 1825-1830 was not realized by Biddle, and for this reason he constantly misunderstood Jackson: he mistook certain kindly expressions as favorable to the recharter; and then when Jackson found it necessary to declare himself positively upon the issue, he attributed Jackson's apparent change to political intrigue or to bad temper. Biddle indeed was thoroughly perplexed as to the attitude of the President towards the bank: "I have heard so much and such various opinions that I have ended by knowing nothing." Probably Jackson himself was not entirely clear as to his own mind when details were suggested, and the explanation of this again is to be found in the new uprising of industrial democracy. Corporate and money power must be kept in check, but no program of reform had been worked out.

As to the second question, the author does not think that Clay was responsible for dragging the bank into the political campaign of 1832. "Clay's influence was directed to this end, but it was only a minor element in the ultimate decision, Nicholas Biddle was the responsible actor" (p. 215). In 1829 and 1830 Biddle clearly understood that the bank must be kept out of politics if it wished to succeed in its efforts. For months he withstood all temptation; "during all this time he never exhibited the faintest trace of wavering on account of the opinion of either Clay or Jackson partizans." It is McDuffie, chairman of the Committee of Ways and Means, a Southern Democrat, whose advice was followed, and in January, 1832, Biddle made up his mind that the time had come to introduce the application. Webster was notified, but not Clay. A month later Biddle even thought of appealing directly to the President,

writing to Ingersoll that he cared "nothing about the election." Then came Clayton's motion for another inquiry, and matters were delayed. Biddle was advised to withdraw the application for a time, pending the fall elections, but he felt that he had gone too far, and refused. The result was the veto; and up to this point Clay is given but little prominence. After the veto Biddle threw prudence to the winds. Contraction was deliberately adopted as a club to break Jackson. The Biddle letter-books are especially instructive for this period:

"My own course is decided . . . all the other Banks and all the merchants may break, but the Bank of the United States shall not break. I have asked Com. Biddle what is the least sail under which a man of war can lie to in a gale of wind, and he says a close reefed main topsail. So our squadron will all be put under close reefed main topsails and ride out the gale for the next two years. As for those who have no sea room and breakers under their lee, they must rely on Providence or Amos Kendall" (p. 331).

Letters of this style make interesting reading; only one more can be quoted: "This worthy President thinks that because he has scalped Indians and imprisoned Judges, he is to have his way with the Bank. He is mistaken" (p. 339).

The charges against the bank are thoroughly discussed. As a national bank, "the Bank never spent a dollar corruptly." The branches, however, engaged in intrigue; the bank lobbied in its own interests; it granted questionable indulgences to Congressmen, and spent altogether too much for printing.

The author makes an exhaustive review of the various services which the bank rendered to the commercial and fiscal economy of the country, and concludes that it was a serious error not to grant a recharter. It is somewhat difficult to reconcile this judgment with the long and detailed narrative of the mistakes which the bank made in its checkered career. For the moment the author appears to lose sight of the clue which guides him so skilfully in disentangling the contradictions of the struggle between 1829 and 1834, that is, the attitude of social democracy. The bank may have proved of service from a monetary and fiscal point of view, but does not the evidence spread on page after page show that the country, politically and socially, was not yet prepared for this service? The commercial machinery of a country must be in harmony with its spirit; otherwise even the best of machinery will go wrong, and this is the lesson which it seems to me is most impressively set forth in Mr. Catterall's painstaking analysis.

DAVIS R. DEWEY.

Personal Reminiscences of Prince Bismarck. By SIDNEY WHITMAN.
(New York: D. Appleton and Company. 1903. Pp. x, 346.)

No one could have done such a work better than Mr. Whitman, who knows his Germany at first hand, and who moreover approaches his

hero in the proper spirit — that of worship. In eighteen chapters Mr. Whitman embodies about a dozen visits to the great chancellor at his different country-seats, Warzin, Schoenhausen, Friedrichsruhe; and on each occasion he draws much talk from his host, which he carefully notes and arranges with admirable comment and literary skill. We have to take the author's point of view in order to justify this book. In the preface he subscribes to the opinion that nothing that Bismarck could say would be too trivial, and that no Boswell could be too attentive when such a Johnson was speaking. For those who feel in this wise — and there are many in Germany — the book is priceless. It is made for the uncritical admirer of Germany's great statesman.

Yet for his own fame this book, and others such, have done little. We read through the 346 pages with interest, but the effect produced is opposite to the one intended by the author. Bismarck in the minds of millions has been placed upon a lofty pedestal along with Luther and Charles the Great beyond criticism. About such heroes legends should cluster. They should be canonised in our minds — looked upon as sinless and infallible, if they are to remain heroes. The genuine Bismarck worshiper must resent having his idol discussed, interviewed, and exposed to such an extent that he appears not merely mortal, but a very moderate mortal at that.

Mr. Whitman introduces us to Bismarck after his dismissal by the Emperor in 1890, and we have glimpses of him until his death in 1899. A great variety of opinions is expressed, but none that sustains the chancellor's reputation for epigram or profundity. When I closed the book it was under the impression that I had been with an influence that was made up largely of suspicion and hatred. Bismarck shows in these pages a morbid sensitiveness regarding what the press is saying of him; he refers to his own Germans with contempt; there is a strange absence of generous feeling towards other nations; and most extraordinary is his dislike of Gladstone and the English. Mr. Whitman seeks to explain this by the fact that his trusted secretary Lothar Bucher, who had fled to England after the revolution of 1848, was very bitter against the land that had given him shelter, and that Bucher had poisoned Bismarck's mind. There is more than this behind the hatred of England which rose to fever-heat during the Boer war. The old Emperor William never learned to speak English, though he too had to take refuge on the Thames after the revolution on the Spree. He had also visited Queen Victoria in 1844. But England made no more impression upon him than upon Bucher or Bismarck. A great statesman would have been above such personal hatred — above the vulgar sentiments of the masses.

The absence of the chivalrous in Bismarck is frequently brought to light, notably in his treatment of the present Emperor's mother. If Bismarck took a personal dislike to any one, then no means were too ignoble if they served his purpose of destroying that person's influence. There are many instances of this; but when he applied these tactics to a woman — and that woman the mother of his Emperor — he found out

his limitations. The Emperor William II. is eminently a gentleman — a man of his word — a man of courage — a fair-minded man. He has plenty of other faults, but pettiness is not amongst them. He saw through the pettiness of Bismarck, and hence the dismissal which at the time seemed to portend calamity to the Empire.

Mr. Whitman gives us no anecdotes of importance nor any sayings that we care to look up a second time. He obviously deprecates his hero's dislike for England and extenuates it as well as he can. Mr. Whitman touches upon a visit paid to Bismarck by Herbert Gladstone, and criticizes this as being contrary to etiquette — that he first should have inquired "Whether their visit would be agreeable"! Mr. Whitman hereupon thinks it was quite proper that "In every case when Mr. Gladstone's son . . . called at Friedrichsruhe they found the Lord of the Manor 'not at home'"! This is perhaps the best example of the meanness of spirit to which I have referred; and if there is anything more strange than the pettiness of a great Bismarck it is to read the effort made by Mr. Whitman to gloss it over.

I happened to be in Hamburg when Mr. Gladstone was there; it was in 1895, when I was the guest of the German Emperor at the festivities connected with the opening of the great Baltic Canal to Kiel. All the guests were immensely driven by a multiplicity of social and official engagements, and I recall marveling at the time at the energy and magnanimity that impelled Mr. Herbert Gladstone to carry his father's card to the front door of a Bismarck. Mr. Gladstone was six years the senior of Bismarck; he too was a retired prime minister; he had held the helm of a ship representing interests vastly more complex and extensive than any with which Bismarck had had to deal; and nothing seemed more proper than that on arriving in his yacht at the German port nearest to the home of the German statesman he should in the usual manner make his arrival known. He did so, and gave Bismarck one more opportunity of exposing the peculiar quality which made it imperative that the German Emperor dismiss him in 1890.

Mr. Whitman has ideas upon etiquette that I cannot hold; they are certainly not those of the German Emperor. And moreover etiquette was made for small men, not for statesmen out of office. The plain duty of a gentleman was for the master of Friedrichsruhe to acknowledge Mr. Gladstone's card at the earliest opportunity, to ask him to his house or, in case he did not wish to see him, to say so in suitable language.

The hate of Bismarck against England is only matched by his strange fondness for the Russian — again a counterpart of the feelings of his great master William I. Analyze this psychologically and you will trace it to our disposition to think well of those who flatter us or serve us, to resent the independence of people who are free in their manners and opinions. Bismarck loved his docile peasantry of Wendish or Slav extraction; but he did not admire the Magyar, who is the embodiment of warlike independence. Bismarck maintained his antagonism to the Socialists to the very end in spite of the fact that the more he enforced

harsh police measures, the more did the Socialist party wax. Of the noble and gallant soldier Caprivi, who obeyed his Emperor by succeeding Bismarck as prime minister, he says, "but now I see he is only a talker!"

The book is an important contribution to history. It reveals to us the true Bismarck; it explains to some extent why nearly all the domestic and foreign measures connected with his name have been failures after the moment of consolidating the Empire. The truth is here suggested, if not fully spread forth: that Bismarck was not a great character, that he was not built on broad, generous lines, that he could not lift himself above the poisonous mists of personal likes and dislikes. This truth Mr. Whitman's book admirably if unwittingly expresses; and it is the more valuable by reason of the fact that it is intended for those who hold Bismarck so high that nothing from his lips can prove uninteresting.

POULTNEY BIGELOW.

Queen Victoria — a Biography. By SIDNEY LEE. (New York: The Macmillan Company. 1903. Pp. xxxiii, 611.)

✓ THE word "provisional," which might be stamped across the title-page of most historical works, deserves to be stamped in particularly large type across the title-page of any biography that deals in these days with the career and character of Queen Victoria. There is, of course, no dearth of authentic material. The difficulties which present themselves to a writer like Mr. Lee are those of nearness and of loyalty. To appreciate the character of the problem we must remember that the phenomenon is unique in both political and personal history. For over sixty ✓ years the crown has steadily lost in power and steadily gained in influence. The loss of power must be ascribed to general causes, but that the advance of prestige is due to the Queen's popularity may be seen by ✓ a backward glance at the reigns of her uncles. The familiar lines which her laureate applied to her husband are equally true in their application to herself. She wore "the white flower of a blameless life, . . . In that fierce light which beats upon a throne And blackens every blot." Or, as another poet has it, she proved that "even in a palace life may be well led," thus gaining a place among that rare class of rulers which includes Marcus Aurelius, King Alfred, and St. Louis.

At the same time the Queen was very human and she lived in the age of photography. Here Mr. Lee's difficulties begin to be pressing. As an Englishman he shares in the national reverence. As a biographer trained in the severe methods of the *National Dictionary* he is bound to ✓ exalt impartiality and to shun mere adulation. The chief praise of this ✓ book is that he approached his trying task in the proper spirit. Memoir ✓ writers of the court and of St. Stephen's have gossiped about the Queen with all the volubility of the nineteenth century. Mr. Lee sifts the ✓ chit-chat with a double purpose. He is just but he is also sympathetic, paying fit consideration, he says, "to the public and to the private

interests involved. The inevitable candour of the historical biographer can never be unwelcome to those who honour the Queen's memory aright. Truth with her was an enduring passion." Accordingly Mr. Lee speaks quite frankly about certain foibles — the fondness for German relatives, the strong native prejudices and predilections which needed to be schooled, the bad taste in art, and the somewhat morbid tendency of mind which led to the accumulation of sepulchral memorials. Justice gets its due, but there is no exaggerated display of candor. Mr. Lee always remembers the Queen's fundamental honesty of character, her sympathy with her subjects, and her profound sense of public duty. "Far from being an embodiment of selfish whim, the Queen's personal sentiment blended in its main current sincere love of public justice with staunch fidelity to domestic duty, and ripe experience came in course of years to imbue it with much of the force of patriarchal wisdom, even with 'something like prophetic strain.' In her capacity alike of monarch and of woman, the Queen's personal sentiment proved, on the whole, a safer guide than the best-devised systems of moral or political philosophy."

In such a brief note it is only possible to point out the essential difficulties of Mr. Lee's problem and to comment upon the temper in which he has approached them. As regards contents, the prospective reader expects to find the political element a strong one. Indeed, the domestic life of the Queen is hardly touched upon, apart from its bearing upon public issues and public duties. The concluding chapter on her position and character is but one of forty-nine and is contained in fourteen pages. The praise which Mr. Lee merits is that of having steered a difficult course with great skill, of having won the success which is due to honesty, and of having written the best sketch of the Queen's character in relation to her reign.

CHARLES W. COLBY.

The Three Years' War. By CHRISTIAAN RUDOLF DE WET. (New York: Charles Scribner's Sons. 1902. Pp. x, 448.)

THIS work, which purports by its title to be a history of the late war between Great Britain and the South African Republic, is a simple narrative of the part taken in that war by the author. Though formally dedicated to his "fellow subjects of the British empire," it is addressed, as appears in the preface, to the general public of the civilized world.

Christiaan Rudolf de Wet was mustered into the commando of the District of Heilbron in the Orange Free State October 3, 1899, as a private burgher, and laid down his arms May 31, 1902, as general commander-in-chief of the Orange Free State armies. It would be interesting to learn the particular causes of his rapid rise; what, if any, had been his previous training and experience as a soldier; what was his political backing — for in the militia army of the Boers it must have been an important factor; what was his age and parentage; what had been his early schooling and higher general education. But, as already intimated, the work is not a biography. On these interesting questions it leaves

the reader in the dark. By his exploits de Wet proved himself a man of strong will, great fertility of resource, and abounding health and vitality ; and his comments show Christian faith in God, and a simple trust in His siding with the weaker battalions when they have right on their side.

Of the 426 pages of text 104 are appendixes consisting of correspondence and reports (1) of the meeting of the general representatives to consider the military situation, May 15, 1902, (2) of the conference at Pretoria between a commission of the national representatives and Lords Kitchener and Milner, to agree upon terms of peace, May 15-28, 1902, and (3) of the meeting of the special national representatives which considered and accepted the terms agreed upon, May 20, 1902. To the political and perhaps to the military student the appendixes will prove the most interesting part of the work. They show better than the narrative the desperate straits to which the Boers were reduced by the strategy and tactics which the author criticizes and ridicules. The blockhouse system he dubs the blockhead system (p. 260). General Botha, addressing the general representatives, May 16, 1902, said : "A year ago there were no blockhouses. We could cross and recross the country as we wished, and harass the enemy at every turn. But now things wear a very different aspect. We can pass the blockhouses by night, but never by day. They are likely to prove the ruin of our commandos." De Wet never thought that the Boers could win their cause except by divine intervention, on which, however, he never ceased to rely. At the final meeting of the representatives he said : "God was our only hope when the war began. And if, when the war is over, victory lies with us, it will not be the first time that faith in God has enabled the weaker nation to overthrow the stronger" (p. 408).

Having no definite prospect of success, he could not have any final strategic aim. His operations necessarily lack the unity which results from pursuing a general idea, of moving steadily upon a definitive objective. His narrative is correspondingly fragmentary. He presents no general view of the political or military situation at the outbreak of hostilities ; no statement of resources in men, money, or munitions of war ; no description of the theater of operation ; no plan or project of offense or defense ; and he acknowledges himself incapable of describing or discussing operations in which he did not himself participate. His only purpose seems to have been to kill, capture, and destroy, whenever and wherever he could. He resents the appellation of guerrilla, but does not suggest any term more appropriate to the officers and men of his command, and seems to ignore the definition of the word. He inveighs with more force than justice against what he regards as wanton destruction and cruelty on the part of the British. When an army on the defensive is defeated and broken up, and proceeds to operate in separate and detached bands, subsisting off the country without established bases or lines of supply, the enemy has nothing left to do but to carry the war home to the people.

In material and manufacture the book is worthy of its highly reputable publishers. As frontispiece it contains an expressive and doubtless faith-

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ful likeness of the author by John S. Sargent. For the rest, the illustrations consist of four plans from sketches by the author, and four maps (three of South African territory and one of England and Wales) all on one sheet. These productions are no credit to the publishers, and hardly any assistance to the reader. The plans are the barest outlines of *terrain*. To make use of the maps one must have good eyes and a good light or strong glasses. The reader is never referred to any particular map, but is left to hunt for what he wants with the assistance of such powers of divination as he may happen to possess. He is likely, therefore, to give up the maps as impossible, and trust to the text and his imagination for his geographical bearing. There is a full index, in which, however, the hero of the story, De Wet himself, is signally slighted.

JOHN BIGELOW, JR.

Japan: Its History, Arts, and Literature. By CAPTAIN F. BRINKLEY. [Oriental Series, Volumes VII. and VIII.] (Boston and Tokyo: J. B. Millet Company. 1902. Pp. 396; 450.)

China. By CAPTAIN F. BRINKLEY. [Oriental Series, Volumes IX. - XII.] (Boston and Tokyo: J. B. Millet Company. 1902. Pp. iv, 426; 273; 285; 292.)

THE complete work of the accomplished editor of *The Japan Mail*, for thirty years a capable and enthusiastic student of the language, literature, art, history, and politics of Japan, is now before us. Its chief value lies in the revelation of the environment of the native artists who have so aided the historical development of the nation. Old Japan was a rich and wonderful "world outside of money" and science. Having no invaders or hostile pressure from without, the islanders developed from within those elements of action and counter-action by which progress is possible. Each clash of novelty from the Asian continent came as a literary, intellectual, religious, or artistic impulse. Political emissaries were few indeed. Even when the Japanese themselves invaded Korea, their famous harrying ground, the results were seen chiefly in the appropriation by them of both art and artists, and not in the possession of land nor in counter hostilities. Captain Brinkley, devoting one volume to the ceramic art of Japan, writes familiarly from direct knowledge, paying his respects critically and abundantly to the conjectures of European writers. Under his treatment it is seen clearly that while European art and its derivatives stand for representation, that of the orient, and especially of Japan, stands for pure design. Japanese art is mostly decorative and weak in figure-painting, and the reason is plain. The Japanese artists have never appreciated the contours of the human figure, and studies of the nude would have shocked the sense, not of decency but of refinement. Until the nineteenth century and the rise of the Hokusai and Ukiyo-yé (passing world) style of painting, the subject-matter of art lay in the precincts of the court and the temple, where the exposure of any part of the person except the face and hands was deemed a gross

breach of etiquette. The author notices the influence of Wagenaar and Dutch commercial patronage, which increased gaudy decoration but hardly improved art. A startling instance of foreign influence is seen in the case of the artist Kwazan, who from 1820 to 1840 blended most felicitously the styles of the orient and the occident. As everything from the west was then under political ban, Kwazan fell under the same inexorable censorship, which purged the critico-historical writings of Rai Sanyo, who nevertheless created the political opinions which finally overthrew the Yedo government. The Yedo censors also broke up the plates of the far-seeing author and map-maker Rin Shihéi and threw him into prison, whence he never emerged. Kwazan received the order to commit hara-kiri November 3, 1840, which he did, and was then duly decapitated. In 1890, when the tide had so far turned and Japan had been transformed, an exhibition of his pictures was held in Tokyo and his genius celebrated. The hidden history of Japan, from the expulsion of the Portuguese in 1617 to the restoration of 1868, still awaits treatment by a competent pen. It is a fascinating theme and invites the student.

In the eye of the artist, China's greatest contribution to civilization has been in the line of ceramic production. To this subject a volume is devoted. The author has not indeed had the same direct intimacy with Chinese as with Japanese products of the furnace, and yet one may safely say that no other work yet produced gives such an accurate historical outline and so clear and full an appraisal of the different wares as to texture, decoration, glaze, color, and form, as this.

To bring the subject of Chinese history within reasonable bounds, or into a form comfortable to most Western readers, Captain Brinkley has chosen the golden mean. Yet his very readable work only makes us long the more for one which will treat with mastery of material and with clear insight the evolution of the Chinese from patriarchal and primitive forms into feudalism, and thence into unity under absolutism, the dissolution into minor kingdoms, the rise of the strong and brilliant unities under the Tang and Sung dynasties when China had her golden age in art and literature, the outbreak of populism, the examination afresh into the foundation of things, the philosophic and social reconstruction in the middle ages, with the treatment of those modern dynasties—Mongol, Ming, and Tartar—which have touched western and modern history. Those who look for any such thing in the present work will be wholly disappointed. With the author's firm grasp, easy touch, and profound and broad view of Japan, his sketch of China is in startling contrast, for it is mainly that of the foreigner's trade and diplomatic relations. Nevertheless we have here an accurate and interesting picture of the natural background, of administration, and of finance, the history, during the "pre-conventional period," of foreign intercourse by means of medieval travelers and the first modern traders. The "conventional period" begins with the opium war. Three able chapters are given to a discussion of the "propaganda and Chinese religion." Another one treats lumi-

nously of education, literati, secret societies, and rebellions. Those who think that the Chinese are conceited and in all their airs and documents patronizingly superior should read again President Tyler's autograph letter of information and admonition to his great and "good friend" at Peking. Captain Brinkley makes merry over this "diapason of dignified condescension." Over and over again this Englishman of judicial mind handles, with searching criticism and often with frank disapproval, the methods of British diplomacy, while praising the policy of the United States government, which "may be implicitly trusted to do in any international complication, not merely what is right and just but also what is generous." The occupation of Canton and Peking, the Tai Ping rebellion, the sequels of conquest, the curious French tactics, under Admiral Courbet, of battle but not "war," and the situation of to-day are finely depicted. We may add that the superb illustrations and mechanical equipment, the abundant notes and appendixes, the indexes, and two large colored maps in this second instalment are of the same high standard as that set in the first volumes.

WILLIAM ELLIOT GRIFFIS.

To receive a copy of Alzog's *Manual of Universal Church History* (Vol. I., Cincinnati, The Robert Clarke Company, pp. xxii, 779) with the date of 1899 excites an interest which dies out with the discovery that the book is only a reprint (fifth impression) of a translation made in 1874 from the ninth German edition. Alzog's work has been held in honorable esteem, but the reprint occasions comparisons that do it injury. It evidences by its deficiencies the progress made in early church history by the intense activity of a generation of scholars. It presents a knowledge which was prior to a long list of discoveries and identifications. It knows nothing of the recovered Didache, of apocalyptic and apocryphal fragments, of many gnostic works, narratives of martyrdoms, and patristic discoveries. It is without the light that has been thrown upon the persecutions and the significance of early heretic and schismatic movements. Its constructions are adjusted to views which precede the labors of men like Ritschl, Harnack, Zahn, Loofs, Hatch, Funk, Kraus, Bardenhewer, Ehrhard. Such a list of names shows that Catholic scholarship has been fruitful and influential, and it provokes the question why Catholic students should be contented in 1899 with a bibliography made before 1874. The evident popularity of the manual in its American form should lead to a revision such as has been given to the German original. It would be still better if the work should be antiquated by a production from American Catholic scholarship.

FRANCIS A. CHRISTIE.

Student's History of the Greek Church. By the Rev. A. H. Hore, M. A. (London, James Parker and Company; New York, E. and J. B. Young and Company, 1902, pp. xxxi, 531.) There is need of a good historical manual of the eastern church in English, but the present work is not

so much a history as an argument, in which three things are attempted, *viz.*, to vindicate the church of England's claim to catholicity, to combat the exclusive claims of the church of Rome, and to promote the union of the Greek and Anglican churches. The author would probably place the last-named object first. Recognizing his motive, one must of course judge the book by other standards than those commonly applied to purely historical writing. From this point of view one might regret that the title was not differently worded. The main purpose would also have been better served by omitting many details, which in a book of this size are a blemish in any case.

There are two main divisions: first, the patriarchates of Constantinople, Alexandria, Antioch, and Jerusalem (that is, the history of the eastern church), down to the fall of Constantinople; and secondly, the Russian church to the present time. Part I. includes an account of the schismatic churches of the east. There is a disjointed introduction entitled "Some Characteristics of the Greek Church," and a concluding plea for "The Reunion of Christendom." A chronological table and an index facilitate the reader's use of the book. The author's general plan is better than his distribution of his materials. The introduction is a perfect jumble. Eight pages on the early efforts to Christianize the Slavs are thrust into the midst of an account of Photius and the great schism (pp. 258-266). There are other defects of a different kind. One would never suspect, from the slight hint at the bottom of p. 214, that in 1898 the Persian Nestorians passed over into the Russian church. Careless proof-reading is no doubt responsible for "the first forty days of September" (p. 13). Indeed, typographical errors abound, especially in the Greek words and phrases, which are scattered profusely throughout the book. Unfortunately, Mr. Hore's latest effort will hardly be received by scholars with greater favor than was shown to his *Eighteen Centuries of the Orthodox Greek Church* (London, 1899).

J. W. P.

A History of the Middle Ages. By Dana Carleton Munro. (New York, D. Appleton and Company, 1902, pp. xii, 242.) This little book adds one more to the list of excellent texts of the "Twentieth Century Series." The limits of the book have precluded anything more than a bare outline of the history of the thousand years which the author has attempted to cover, and yet within the compass of two hundred and forty pages he has packed a surprising lot of material. He has done this by omitting details and contenting himself with a series of free-hand sketches. The book will doubtless find favor with that class of teachers who are seeking the smallest possible text for class-room use. The question, however, may be fairly raised whether Mr. Munro, in seeking to bring his book within the lines prescribed by his publishers, has not passed the limits of useful condensation. Clearness and accuracy ought not to be sacrificed to brevity.

The author has justly sought to emphasize the culture side of history

and has accordingly given somewhat more than the ordinary proportionate space to the life of the people. He has also sought to lay stress upon the influence of the church and of oriental civilization in preparing barbaric Europe for its own renaissance.

The maps are good. The illustrations are of the kind used in such books and are in the main well-chosen. The pedagogical value, however, of the hideous caricatures of the human face and form which are presented by the ordinary medieval seals or effigies may be fairly questioned.

B. T.

The ninth volume of Felix Dahn's *Könige der Germanen* (Leipzig, Breitkopf und Haertel, 1902, pp. lii, 752) is devoted to the Alemanni. Seventy pages are given to their external history to the end of the ducal period, A. D. 746, and the remainder of the book to law and institutions, with the familiar classification and minuteness of the earlier volumes of the series. The treatment of formal law seems proportionately somewhat more full than usual. More than fifty pages are given to a discussion of the character and contents of the interesting code known as the *Lex Romana Rhætica Curiensis*, which Dahn agrees with Zeumer in the *Monumenta* in placing in the first half of the eighth century. The volume makes by far the most complete and detailed account of the institutions of the Alemanni now accessible in any one place. Forty pages of bibliography form a part of the introduction.

Jahrbücher des deutschen Reiches unter Otto II. und Otto III. Von Karl Uhlirz. Band I. Otto II. 973-983. (Leipzig, Duncker und Humblot, 1902, pp. xiv, 203.) The period covered by this volume was provided with a year-book as early as 1840 when Wilhelm Giesebrecht, the great authority on the history of the German Empire, published one of the *Jahrbücher* edited by Leopold Ranke. Since that time, however, so much has been discovered, edited, and published in the sources of German history that a new study of the Saxon dynasty is amply justified. The author of this book has not contented himself with a revision and amplification of the earlier work, but has given the results of an independent investigation of the reign of the second Otto.

The treatment is chronological, each year being recorded in a separate subdivision. Yet the matter is not purely annalistic in style, for the reasons and results of events are presented at the same time. The object of a year-book is not overlooked, that is, to give of the period a short current account, which at every step is based upon the documentary evidence which is minutely cited in the foot-notes. As a guide to the reign of Otto II. this work is exhaustive enough. Giesebrecht devoted but forty pages of his five volumes to this period. Richter's *Annalen*, which, true to its name, is a modern chronicle buttressed by quotations and references, concludes the matter in twenty pages. The present *Jahrbuch* contains more than 200 pages of text besides the appended essays upon difficult points.

J. M. VINCENT.

W. R. Lethaby's *London before the Conquest* (New York, The Macmillan Company, 1902, pp. xi, 217) is a useful survey of the ancient topography of London. The author gives a good account of the rivers, roads, bridges, walls, gates, wards, parishes, and churches of London, and devotes a chapter to the early government of the city. In some parts of the book he himself seems to have fallen a victim to the "involution of unfounded conjecture" which he condemns in other writers; for example, he asserts that London had a witan and craft-gilds before the Norman Conquest (pp. 159, 188), and he ascribes to King Alfred the introduction of hundreds or wards and the establishment of a dual control of bishops and reeves over the city (pp. 187, 190). In the chapter on the government of London too many conclusions regarding Anglo-Saxon institutions are based on data of the twelfth and thirteenth centuries. In his introduction Mr. Lethaby states that he aims to present his results "in the form of notes on particular points, and discussions of opinions commonly held, with little attempt at unity, and none at a pictorial treatment of the subject." The unity of his book is particularly marred by the last chapter, entitled "Londinium," which continues the consideration of certain topics, like the walls of London, treated in earlier chapters. We must also find fault with his foot-notes, in which authors are often cited without page references, and in some cases without the titles of their books (for example, Ramsay, Hudson Turner, Issac, pp. 116, 122, 153). Mr. Lethaby's work will, however, be found valuable by scholars interested in the early topography of London, for it is based on wide reading and furnishes a compact statement of the main points regarding the subject, with an intelligent discussion of the views of various writers on disputed questions. There are also many excellent illustrations of British, Roman, and Saxon remains.

CHARLES GROSS.

Documents relatifs aux Rapports du Clergé avec la Royauté. Publiés par Leon Mention. Vol. I. (1682-1705); Vol. II. (1705-1789). [Collection de textes pour servir à l'étude et à l'enseignement de l'histoire.] (Paris, Picard, 1893 and 1903, pp. v, 186; 270.) These two volumes of *Documents* are disappointing when compared with their fellows in the same series — the three volumes of Vast's *Les Grands Traités du Règne de Louis XIV.* The brilliant historical introductions which characterize the latter works are conspicuously lacking in the present volumes, and there is a paucity of historical notes which might have illuminated these relations as M. Vast has made them illumine the diplomatic relations of the *Grand Monarque*. In reading these texts one gets no idea of the bearing upon the political affairs of Europe at large of the quarrel between Louis XIV. and Innocent XI. Such information ought to have been conveyed in the form either of an historical introduction or of notes by the way. A good example of the meager editorial work of M. Mention is in Part 2 of Volume I., "L'Affaire des Franchises." Forty-four pages of documents are almost bare of explanatory notes, and the intro-

ductions are little more than bibliographical memoranda. And yet the matter of the franchises had a definite and important bearing upon the French policy on the Rhine. For the quarrel of the French King and the Pope was aggravated by the conflict over the archbishopric of Cologne, into which see Louis XIV. sought to intrude his protégé, William of Fürstenberg, bishop of Strasburg, to the prejudice of Clement of Bavaria, the candidate of Innocent XI. and of the Emperor. Moreover, Fürstenberg's episcopal rule in Strasburg influenced Catholic propaganda in Alsace, and the King's Huguenot policy.

Again, the letter of Louis XIV. to Pope Innocent XII. in 1693, revoking the declaration of the Four Articles made in 1682 (Vol. I., p. 64), had a bearing upon the peace of Ryswick. The King had resolved to avoid any negotiations looking towards a general peace, but instead to endeavor to break up the coalition by detaching some of the allies. Accordingly, in December, 1691, he sent Rébenac to Italy to negotiate the formation of a neutral league in the peninsula. Rébenac's mission was successful, save with Venice, which refused to listen to his overtures. With Rome Louis XIV. made peace, restoring Avignon to Innocent XII. and promising that the declaration of 1682 should not be taught in the schools of France as an article of faith. This agreement in turn influenced the formation of the treaty of Turin, June 29, 1696, between France and Savoy, which materially affected the attitude of the coalition to France. Yet no information of this historical nature is vouchsafed by the editor. The same criticism is less pertinent with reference to the documents in the second volume, which deal with Jansenism, the clergy and the fisc, and the suppression of the Jesuits, for these were issues of a more domestic nature and less complicated with general European politics.

JAMES WESTFALL THOMPSON.

Another contribution to the rapidly accumulating collection of works relating to that famous naval hero Paul Jones is *John Paul Jones of Naval Fame* by Charles Walter Brown. (Chicago, Donohue, 1902, pp. 271.) Mr. Brown tells in an interesting way the story of his life but contributes nothing that has not already been told. If the author had presented more details regarding the burial-place of this brilliant sea-fighter, and not disposed of the subject in such a summary way, his work might have contained an important addition to the literature of the subject, for regarding this little has been said in the published accounts of Jones.

E. F.

Recent European History 1789-1900. By George Emory Fellows. (Boston, Benjamin H. Sanborn and Company, pp. vi, 459.) This book aims to give a brief review of European history from 1789 to 1900. The author is persuaded that such a review is justified by the fact that a knowledge of the "movement toward constitutional government during the nineteenth century," which is essential for every educated

person, cannot now be acquired in any single volume in English: he hopes, therefore, that the present volume may be of service to the general reader, to students in high-schools, and to undergraduates in the first years of college. Mr. Fellows consciously limits himself in two respects; he emphasizes the constitutional side of nineteenth century history, and practically excludes from consideration all countries except England, France, Spain, Italy, Germany, and Austria. Holland, Scandinavia, Russia, and the Balkan states are barely mentioned. The omission of Russia and the Balkan states would naturally follow the emphasis placed upon the constitutional aspect of history. It is less clear why Scandinavia and Holland should not have been given more space, while the four pages devoted to Switzerland seem altogether inadequate precisely because the author is mainly concerned with constitutional history.

The book is divided into six chapters. The first two chapters relate the history of France, incidentally of Europe, from 1789 to 1815. Chapter three is entitled "From the Battle of Waterloo through the Revolutionary Period of 1848"; Chapter four, "Period of Growth of the Idea of Nationality, 1848-1870"; Chapter five, "Development of National Life, 1870-1900." The final chapter is given to the "Smaller European Nations in the Nineteenth Century"; a few pages each are given to the Balkan states, Norway and Sweden, Denmark, Holland, Belgium, Greece, Switzerland, and Portugal.

The author has succeeded in giving a plain clear narration of the history of each country under consideration. Until 1815 unity of treatment is fairly well achieved, although even here only by saying almost nothing about any country save France. But after 1815 there is little effort to treat the subject as a unit, and the method of dividing the subject all but leaves the impression that no unity of treatment is possible. One looks in vain for the briefest sentence indicating the effect of the French Revolution upon English reform. One who did not know would scarcely receive the impression that the revolution of 1848 was in any sense a European movement. The author seems unfortunate in his titles; "*Recent European History*" is misleading, to say the least; "Growth of the Idea of Nationality" carries the mind back to the fourteenth and fifteenth centuries, unless one is thinking of Germany, in which case one is tempted to rush ahead to the twentieth; the smaller European "Nations" might better have been "States."

On the whole the author has produced a passable account of nineteenth century Europe in brief space; he has shown good judgment in selection and ability in presentation. On the other hand, there is nowhere evidence of the master's hand; the book in no respect illuminates the subject it treats.

CARL BECKER.

Marie Antoinette, Königin von Frankreich und Navarra, ein fürstliches Charakterbild. Erster Teil: Die Dauphine. Von Ludwig Brunier. (Vienna and Leipzig, Wilhelm Braumüller, 1903, pp. xlii, 312.) This

biographical study hardly rises above the level of an historical romance written to exhibit in an edifying manner princely virtues, particularly those of German houses. The picture which is given of the youthful *Dauphine* is uninteresting because it is so palpably untrue. There is also much useless digression. In the long chapter on the French court in 1770 thirty pages are devoted to a minor incident of the Regency. The author has not made a critical use of his materials. For example, he cites letters of Marie Antoinette from the discredited collection of the Comte d'Hunolstein, letters the authenticity of which has been denied ever since M. le Chevalier d'Arneth in 1864 published the correspondence of Marie Antoinette and Maria Theresa. He also quotes from Marie Antoinette's letters to her sister Marie Christine, although it was long ago concluded that the sisters carried on no correspondence.

H. E. B.

An abridgment of Gurwood's *Despatches of the Duke of Wellington from 1799 to 1815* has been issued in one volume (New York, E. P. Dutton and Company; London, Grant Richards, 1902, pp. xxxi, 475), by Walter Wood. While this abridgment cannot replace the original for the special investigator, Mr. Wood, by judicious editing of Colonel Gurwood's twelve volumes, has produced a serviceable and instructive book for the student and general reader. The bulk of the volume, three hundred pages, is devoted to the Peninsula, and in the selection of matter, next to battles and casualty lists, prominence is given to points of discipline. Even in India, although its people, according to Wellington, were in matters of government the only philosophers he had ever met, if indifference is philosophy, he was concerned to curb rapacity and violence in his soldiery. In the Peninsula this difficulty was, from end to end of the military scale, far greater. Among the English soldiery not only were pillage and murder of civilians frequent: they plundered systematically the government convoys in their own charge; while English officers, until Wellington interfered, quartered their mistresses in groups upon the Portuguese gentry, and even disturbed public performances by buffoonery in the wings and on the stage of Lisbon theaters. Wellington, as is well known, was not a Pharisee, but when an officer court-martialed for participation in a brothel fight was honorably acquitted on the ground that he had endeavored to appease the brawlers, the duke felt moved to object, not indeed to the acquittal, but to an acquittal with honor. Mr. Wood deserves credit for giving of his scanty space as much, perhaps more, to these failings of the English as to the shortcomings of their allies. On the latter point the duke at times was frankness itself. To an officious don, who in 1809 ventured to urge him by letter to "drive the French through the Pyrenees," Wellington suggested that he reserve gratuitous advice while the British troops were starving for want of provisions due by the don's countrymen, upon whom, Wellington adds as a parting shot, "I cannot even prevail to bury the dead carcasses in the neighborhood, the stench of which will

destroy themselves as well as us." Equally pointed are his criticisms of the Spanish soldiery. "Their habit," he complained to Castlereagh, "of running away, and throwing off arms, accoutrements, and clothing, is fatal to everything, excepting a re-assembly of men in a state of nature, who as regularly perform the same manœuvre the next time an occasion offers."

Apparently the Iron Duke was after all not without humor, a quality which Napoleon, in spite of his jests, so lacked as to be unable, perhaps, to appreciate his own inconsistencies. It is with Napoleon that one instinctively compares this book and its subject. A selection of Wellington's despatches, it can nevertheless scarcely vie in interest with any volume of Napoleon's *Correspondance*, even as Wellington himself can scarcely vie with the other in any point save honor. Wellington was nothing if not upright. Even the reproach by Prussian historians, that he sought to monopolize credit for Waterloo, will hardly stand in the face of this passage of his despatch to Lord Bathurst on that battle: "I should not do justice to my own feelings, or to Marshal Blücher and the Prussian army, if I did not attribute the successful result of this arduous day to the cordial and timely assistance I received from them."

H. M. BOWMAN.

Louis XVIII. et les Cent-Jours à Gand. Recueil de Documents Inédits Publiés pour la Société d'Histoire Contemporaine. Par Albert Malet. Tome II. (Paris, Alphonse Picard et Fils, 1902, pp. xv, 314.) Of this work on Louis XVIII. and his exile at Ghent the first volume appeared in 1898. In its preparation M. Malet, the secretary of the Société d'Histoire Contemporaine, was associated with M. Romberg-Nisard. The latter having since died, the surviving editor in this second volume pays a warm tribute to his collaborator on the first. Comprised in the present volume, which draws exclusively upon the state archives at London, Berlin, and Vienna, are the correspondence of Sir Charles Stuart and Count Goltz, respectively English ambassador and Prussian minister at Ghent, with Castlereagh and Hardenberg, and a brief section of letters to Metternich from the Austrian representatives at The Hague. The bulk of the volume is divided equally between Stuart and Goltz, one-half of the space allotted to the former consisting of a French translation superior at times to the editing of the English original. Between these main sections of the book M. Malet himself discriminates well. The despatches of Stuart, a matter-of-fact Englishman with a bias toward mediocrity, who previously had been British minister at The Hague, are not void of information, yet are dull. Goltz, on the contrary, the Prussian minister at Paris, was a general in the Prussian service and a typical diplomat of the time: his letters both instruct and entertain. Graphic enough, even amusing, is his account of the last days before Louis's flight from his capital. France at this crisis, he remarks aptly, had ministers indeed but no ministry. The King himself, who was calm but also inert, declared that he would "die in his chair" — a

heroic vow which Goltz with reason distrusted, for the King within a week of its making fled and sat presently, an exile at Ghent, in fear and trembling lest Napoleon should publish the family correspondence which Louis in his timely haste had forgotten to destroy. The same haste prevented seasonable notice of the King's departure to the diplomatic corps. Goltz, left accordingly without passports, awaited the pleasure of Napoleon, who invited him to leave France *via* Strasburg. Not until May did he rejoin the French court at Ghent. Louis meanwhile was adding liberally to the errors for which the Bourbon name is famous. Blacas, the unpopular reactionary, was removed from office after Waterloo, but throughout the Hundred Days he, with the detested emigrés, was supreme in the counsels of the King. For them Louis offended men such as Victor and Marmont. Another trusted adviser of the King was the Duke of Orleans, who at this moment was intriguing to replace Louis on the throne. The English, on the contrary, and Pozzo di Borgo, Louis's real friends, the King slighted by issuing, against their advice, indiscreet proclamations to France. The damage thus done to his own cause Louis was unable to counteract by real assistance. To him, as to Napoleon, Paris and France were indifferent. One gentleman indeed, presumably a Gascon, by a stretch of loyalty so isolated and naïve as to seem almost ridiculous, journeyed the entire distance from the Pyrenees to join the King's standard at Alost, but the Frenchmen there assembled were too few and too disorganized to gratify the ambition of the Duchesse d'Angoulême to figure at their head as a second Joan of Arc in western and southern France. On these and similar points, particularly on the delicacy of the problem facing the Allies in the reconquest of Louis's throne, this work amplifies previous knowledge.

H. M. BOWMAN.

The Mohawk Valley. Its Legends and its History, by W. Max Reid (New York, G. P. Putnam's Sons, 1901, pp. xii, 455). Some books the historical student welcomes because they bring him new facts; others he prizes because they bring him old facts clothed in an entertaining style. Mr. W. Max Reid's book belongs to neither of these classes. The author is evidently very familiar with the valley, and has taken pains to visit the localities of which his book gives us the history, legends, archæology, or romance. Zeal for the cause has not been lacking. But although the author has delved into the probable site of an Indian fort, "unearthing a stone axe, a broken stone pestle, a few bone tools and flint implements, together with forty fragments of as many decorated vessels of Indian pottery," and although he professes to have also delved into "the early records of history, particularly the colonial and documentary history of New York," his book is far from a new contribution to the history of the Mohawk valley. Nor has the volume the merit of being well-written. Ill-arranged sentences in which one looks in vain for a verb (*e. g.*, pp. 50, 192, 229), sentences in which indeed there are verbs, but verbs singular with subjects plural (*e. g.*, pp. 2, 65),

random quotations on random topics that bear little direct relation to the subjects of the chapters detract from the value which the book might otherwise possess. The volume is perhaps a historical scrap-book but hardly a history. A paragraph on the voyage of Cousin of Dieppe, for example, is injected into the chapter on the "Mohawks"; the chapter on the "Journal of Arent van Curler" is the entering wedge for several pages on the experiences of Brebeuf, Lalemant, Goupil, Couture, and Jogues. The account of the battle of Oriskany and of the death of General Herkimer, given in the final chapter, is followed by a description of the Mohawk valley in 1757 from the *Documentary History of New York*. The chapter on the Palatines contains a few fragmentary facts and quotations bearing on the Palatines before they settled in the valley, but almost nothing on them after their settlement in the region of the Mohawk. The conception of the Mohawk as the "Gate to India" is, perhaps, one of the most original ideas in the book. Hudson, we learn, after all discovered the northwest passage, for "with its two great railways, its Erie Canal, and the promise of a second Suez, with its millions of tons of merchandize, and myriads of tourists streaming across the continent to meet the steamers of the Pacific to Asia, the Mohawk valley may well be called the 'northwest passage,' the Gate to India." Occasionally the author wanders far from his newly-discovered "Gate"; we have, for example, in the chapter on "Some Accounts of the Notorious Butler Family" a lengthy description of the massacre of Glencoe.

The photographic reproductions in the book are excellent.

C. H. RAMMELKAMP.

Those interested in new books bearing on historical subjects who rejected without examination *The Story of the Trapper*, by Miss A. C. Laut (New York, D. Appleton and Company, 1902, pp. xv, 284), presuming it to be of like quality with its predecessors in this series, may profit by reconsidering. If one has the patience to go through no small amount of "effective" writing and Setonesque animal sentimentalism, one finds some important facts connected with the history of the fur-trading companies of the northwest. These facts serve in the *Story* as foundations for the general statements; but they are the redeeming features of the work from a historical point of view. Particulars may be gleaned here and there of the long contest between the Northwest, the American, the X Y, and the Hudson Bay companies; of feats of endurance exhibited by their hardy representatives; as well as of the tragedies that occurred at the various rendezvous. It should be said that this particular style of composition, supposed to be dramatic and vivid, and presumed to portray the higher feelings of animals, will no doubt attract the general reading public. But it is likely to annoy students because it fills space with observations which may pass for nature study, and with pseudo-scientific deductions about *musquash*, the muskrat, and *sikak*, the skunk, which it seems probable this writer is qualified to occupy with a worthy history of the fur-trade and the trading companies. The Hudson

Bay Company is given great meed of praise because it ruled for two and a half centuries with smaller loss of life in the aggregate than the railways of the United States cause in a single year. "Of how many companies may it be said that it has cared for the sick, sought the lost, fed the starving, and housed the homeless? With all its faults, that is the record of the Hudson Bay Company."

EDWIN ERLE SPARKS.

The tendency to seek subjects for doctoral dissertations in local rather than national incidents, or, rather, to examine national tendencies in local incidents, brings a study of *The Wabash Trade Route in the Development of the Old Northwest*, by Elbert J. Benton (Johns Hopkins University Studies, Baltimore, The Johns Hopkins Press, 1903, pp. 112). The material concerning the route in days when it was used by the French traders is so meager compared with the information obtainable after the construction of a canal over the larger part of the route that the present monograph might properly be entitled "A History of the Wabash and Erie Canal." The author finds the inauguration of a national improvement system in the direct appropriation to the Cumberland national turnpike in 1806. A second stage is noted in the authorization of a subscription to stock in the Chesapeake and Delaware canal. A third and distinct phase he finds in the Federal land grant to the Wabash and Erie canal in 1827. The construction of the canal was inaugurated in 1832 and a section between Fort Wayne and Huntington was opened to commerce three years later.

This was the year of the transportation expansion of the middle west, and the canal became part of Indiana's proposed ten million dollar network of public canals, railroads, and turnpikes. The author thinks the contemporary revolution in the means of transportation and the bad administrative methods were responsible for the subsequent collapse rather than the madness of the people in plunging hastily into a wild scheme. By 1853 the rejuvenated Wabash and Erie canal had been built to its terminus, Evansville, on the Ohio River, and had been extended northeastward through the state of Ohio to the Maumee River. But from the time of its completion its receipts began to decrease until 1874, when it was abandoned. By statistics the disastrous effect of the competing Wabash railroad is graphically shown. The annual receipts for the canal when the railway was begun were almost \$200,000; but twenty years later they had shrunk to \$7,000. A pathetic part of the story is told in the efforts of manufacturers, tradesmen, and farmers to maintain the canal by subscriptions to prevent their being left at the mercy of the railroad rates. The lack of deep-water communication at each end of the canal, the failure to sell the anticipated water-power along the way, as well as the demand for faster freight accommodations, proved fatal in the end.

A concluding chapter shows the influence of the canal on the commercial and social development of the northwest. The entire work seems

carefully written and from good authorities. The panic of 1837 becomes by transposition in one head-line "the panic of 1873," very familiar to the sight. The use of the word medal to designate the leaden plates buried by Celoron is not common, nor is the use of his name as "De Celoron." The monograph is likely to prove useful in any study of internal improvements or any commercial aspect of the middle northwest.

E. E. S.

The Theory and Practice of the English Government. By Thomas Francis Moran. (New York, Longmans, Green, and Company, 1903, pp. 379.) An attempt to describe the British government in a 12mo volume that contains but little over 300 pages of printed matter is necessarily subject to many limitations. This work confines itself to the organization and procedure of Parliament—including the crown, the cabinet, the House of Lords, and the House of Commons. Even in this field historical information is reduced to a minimum, there is no discussion of party organization and methods, and no mention of provisional order bills or closure. The administrative machinery, the judiciary, and the local authorities are omitted entirely. The historical features include only the most elementary facts about the succession to the crown, the development of the cabinet, the origin of the House of Lords and of the House of Commons, and the Reform Act of 1832.

In the treatment of the topics considered there is displayed a good knowledge of the standard authorities, with illustrations from recent events; and the work will be of service to those who wish a brief account of the British organs of legislation. Some exception may be taken to the discussion of a few points. A work which emphasizes practice might have mentioned force as an important factor in determining the succession to the crown. The political weakness of the crown at the present day is rather over-emphasized, as compared with the opinions of Bagehot and Sidney Lee. And the space given to proposed reforms of the House of Lords might have been used to better advantage in discussing some of the omitted topics. But in the main the book can be commended as an accurate and succinct account of the subjects discussed.

J. A. F.

COMMUNICATION

THE INTERNATIONAL CONGRESS OF HISTORICAL SCIENCES

THE historical congress inaugurated in Rome on April 2 of the present year, and concluded on April 9, had been conceived by a committee of private citizens as early as 1901, and had been definitely announced for the spring of 1902. In fact elaborate preparations had already been made and numerous subscriptions from foreign scholars had been received, some foreign delegates from America and Australia had even set out upon their way to Rome, when in January, 1902, an announcement of the indefinite postponement of the congress was issued in consequence of grave differences of opinion which had arisen between members of the executive committee. In Italy considerable mortification was felt over what some high-minded or perhaps highly irritated individuals declared to be discreditable to the nation. To-day, however, looking back over the eight days of learned sessions and of brilliant festivities that constituted the congress of 1903, Italian and foreign delegates agree that the postponement cannot be considered other than fortunate; for it gave wider publicity to the invitations issued to scholars and time for further preparations both in organization and in the publication of works undertaken in honor of the occasion.

After the dissensions of 1902 the government took up the congress, and it was under its patronage that it was carried through. Government patronage never fails to find its critics, who charge it with fettering that which it supports, but it would be difficult to say in what way the Italian government fettered the historical congress of 1903. It should be borne in mind that education in Italy is under government control, that the universities and great libraries are government institutions, and that in consequence a considerable proportion of the Italian scholars who participate in an historical congress are, in their capacity of professors and librarians, government officials. In these conditions government patronage has only advantages to offer in such an undertaking. Certainly the congress of 1903 was organized on the broadest lines and with the fullest tolerance of opinion. The foreign delegates present numbered over 300 and the total membership of the congress reached 1,500. The liberal discount of 60 per cent. granted by the government upon railway fares within the borders of Italy greatly facilitated attendance and doubtless induced many scholars to take this opportunity of visiting the Eternal City. Of the 300 foreigners present the greater number were Germans, although England and France were also liberally represented. From the United States the Italian scholar and historian William Roscoe Thayer represented both the government, as delegate of the American

Historical Association, and Harvard University. No other American official delegates were enrolled, in fact no other Americans were present excepting three or four residents of Rome who took no active part in the congress. This fact is significant as marking the almost complete lack of intellectual intercourse between Italian and American scholars to-day, and the unmistakable lack of interest in Italian studies prevailing in the United States. In Italy, as in America and elsewhere, German thought and German methods of scientific research exercise an enormous influence, but Italian scholarship is far from servile, and, it should be unnecessary to add, the results of its researches carried on in the fields of medieval and modern history, as well as in archæology, science, and art, are of primary importance. German scholars are the first to recognize and utilize the fruits of Italian studies; Americans are too frequently content to receive them at second-hand through German channels, perhaps disguised under the German mark. With such conditions existing, it is to be regretted that the recent congress at Rome has proved a valuable opportunity neglected—excepting the earnest work of Mr. Thayer—for widening the too narrow existing channels of direct communication between scholarship of Italy and that of the United States.

The distinguished historian and publicist Senator Pasquale Villari served as President of the Congress, which was largely organized by his former pupil Professor Giacomo Gorrini, director of the archives of state of the ministry of foreign affairs, who was general secretary of the executive committee. The ministries of public instruction and of foreign affairs in 1901 together appropriated \$2,400 for the expenses of the congress. The remaining expenses were met by the enrolment fee of \$2.40 paid by each member. But if the acts of the congress are to be published as announced, it is probable that the ministries will have to make some further appropriation. The King and Queen of Italy honored the inauguration in Campidoglio with their presence, and later gave a dinner at the Quirinal to 140 of the more prominent delegates, including those who represented foreign governments. The municipality gave an elaborate reception at the Capitoline Museums, and the Minister of Public Instruction gave another reception on the Palatine. Professor Domenico Gnoli, the cultured head of the National Library "Vittorio Emanuele," prepared and opened to the congress a splendid exhibition of maps and engravings of Rome in all ages, collected during a long term of years and including Professor Lanciani's colossal map, *Forma Urbis Romæ*, here mounted for the first time. The Royal Academy of S. Cecilia gave an interesting choral concert in the Theatre Argentina illustrating the development of three centuries of Italian sacred music from Palestrina to Rossini. Altogether the entertainment and hospitality offered to the members of the congress was hearty and of a high order.

The congress was divided into eight sections as follows: I. Classical and Comparative Philology; II. Medieval and Modern History; III. History of Literature; IV. Archæology, Numismatics, History of Art, History of Music and the Drama; V. History of Law and of Economic

and Social Sciences ; VI. History of Geography and Historical Geography ; VII. History of Philosophy and of Religion ; VIII. History of Mathematical, Physical, and Natural Sciences and of Medicine. The sections met separately, some of them further divided into groups, and held daily sessions, nominally from 9 till 12 in the morning and from 3 till 6 in the afternoon. At the preliminary meetings the Minister of Public Instruction, the Minister of Foreign Affairs, the Syndic of Rome, and Theodore Mommsen were elected honorary presidents ; Adolf Harnack (Berlin), Paul Meyer (Paris), James Bryce (London), Basile Modestov (St. Petersburg), and Ludwig Pastor (Vienna) vice-presidents.

At the inauguration at Campidoglio on April 2 addresses were delivered by the Syndic of Rome, the Minister of Public Instruction, Senator Villari, and Professor Fredericq (University of Ghent). The address of Villari was an excellent sketch of the development of history in Italy in the nineteenth century, and will be printed in full in the *Nuova Antologia* of May 1.

In the regular sessions which followed, among the better-known scholars not already named who participated were : from England, Frederick Pollock, Frederic Harrison, John Mahaffy, Sir Alfred Lyall, and Oscar Browning ; from France, G. Monod, Maxime Collignon, Paul Sabatier, and G. Bonet-Maury ; from Germany, Ludwig Stein, Otto Harnack, Harry Bresslau, Otto Gierke, and Franz Buecheler ; from Italy, Alessandro d'Ancona, Domenico Comparetti, Benedetto Croce, Adolfo Venturi, Giovanni Monticolo, and Guido Mazzoni. Prominent also were Professors Petersen and Hülsen, Professor Ludwig Pastor, and Abbé Duchesne, the distinguished heads of the German, Austrian, and French historical schools in Rome, highly esteemed by Italian scholars for their earnest and thorough work, and by reason of their official positions the natural centers about which their respective countrymen at the congress could group themselves. Russia, Austria, Spain, Belgium, Holland, Switzerland, Denmark, several South American republics, and other countries were also represented by one or more delegates. The papers read related to a great variety of subjects, a few to subjects of too secondary and minute a character to be appropriate for a congress, but the greater number of interest, and some of the first importance. The greater proportion were delivered in Italian, but several also in French, German, English, and Latin. Of most general interest to foreigners were, perhaps, those by Professor Boni, who has charge of the excavations of the Roman Forum and of the reconstruction of the campanile of St. Marks in Venice. Numerous votes of recommendation were passed by the different sections, relating especially to coöperative bibliographical undertakings, to the publication of manuscripts, and one of special importance to the desirability of uniform legislation in different countries providing for the opening of state archives for the study of contemporary history. With reference to bibliographical works it should be said that several important indexes of Italian historical reviews and of the publications of Italian historical societies were prepared especially for

the congress, and many copies were distributed gratis to the delegates. The most animated discussion upon the votes of recommendation was that relating to the entire republication of Muratori's *Rerum Italicarum Scriptores*, undertaken recently by the courageous publisher Scipione Lapi, of Città di Castello, directed by the able scholar Vittorio Fiorini, and containing a brief preface by Carducci. The minister of public instruction has subsidized the work with a gift of \$400 for each of the volumes, of which several have already been published. The work is beautifully printed, and is edited by many of the best scholars in Italy. The publisher wished a vote of encouragement, but this was opposed by members of the Istituto Storico Italiano, which also receives a subsidy from the government for similar publications. The Istituto men declared that Lapi's edition would duplicate in some of its volumes works already undertaken by the Istituto, and for some of which it possessed indispensable manuscripts. An amusing feature of the animated discussion which was raised was the fact that Professor Fredericq, who is described as "having presided with singular ability," did not understand a word that was said. The discussion closed with a simple vote of "commendation for republications of Muratori."

For a summary of the proceedings of the congress in its different sections the historian may be referred to the *Rivista d'Italia* for March-April, and to a more extended article in a number of the *Archivio Storico Italiano* which has not yet been published.

HARRY NELSON GAY.

NOTES AND NEWS

M. Julius Vuylsteke, Flemish litterateur and historian, known especially by his contributions to the history of the Artevelde and the city of Ghent, died January 16, at the age of sixty-six. Announcement has been made also of the death of M. G. A. Lefèvre-Pontalis, among whose many works will possibly be recalled most readily *Vingt Années de République Parlementaire au XVII^e Siècle: Jean de Witt, Grand Pensionnaire de Hollande* (1884).

The trustees of the Carnegie Institution have decided to establish at Washington a Bureau of Historical Research. After the first of October next, it is to be under the charge of Professor Andrew C. McLaughlin. The aims and purposes of the bureau are numerous; but it may be said briefly that it is established with the expectation that it will be of service to investigators of American history, especially to those desiring to make use of the archives at Washington. Professor McLaughlin is to continue as managing editor of the REVIEW. After October 1 all communications to the REVIEW should be addressed to the editor in care of the Carnegie Institution, Washington, D. C.

All serious students of history will be interested in the lecture with which Professor Bury began his duties at Cambridge: *An Inaugural Lecture* (New York, The Macmillan Company).

Professor Ernst Bernheim has just brought out the long-expected new edition of his *Lehrbuch*. It makes now a volume of nearly eight hundred pages, with the title *Lehrbuch der historischen Methode und der Geschichtsphilosophie mit Nachweis der wichtigsten Quellen und Hilfsmittel zum Studium der Geschichte*.

Dr. W. Rosenau has described in a recent volume Jewish ceremonial institutions and customs, using as illustrations plates which reproduce objects of the Sonneborn collection at Johns Hopkins University: *Jewish Ceremonial Institutions and Customs* (Baltimore, Friedenwald Co.).

The first number of a new periodical for social and economic history has appeared at Leipzig: *Vierteljahrschrift für Social- und Wirtschaftsgeschichte* (C. L. Hirschfeld, four times yearly, at 20 marks). It may be considered as succeeding the *Zeitschrift für Social- und Wirtschaftsgeschichte*. The editors are Professors Bauer of Basel, Hartmann of Vienna, and Von Below of Tübingen. It will deal with economic history down to about 1848, and will comprise articles and reviews; the articles to be published in German, English, French, or Italian. The chief articles in the first number are: H. Pirenne, "Les Dénombrements de la Population d'Ypres au XV^e Siècle (1412-1506)"; G. Schönfeldt, "Lohn- und Preisverhältnisse in Hann. Münden zu Anfang

des 15. Jahrhunderts"; "Le Colonizzazioni in Sicilia nei Secoli XVI^a XVII (Contributo alla Storia della Proprietà)"; S. Bauer, "Die geschichtliche Motive des internationalen Arbeiterschutzes."

The *Archiv für Kulturgeschichte*, edited by Dr. Georg Steinhausen, issued its first number in January (Berlin, A. Duncker, four times yearly, at 12 marks); it succeeds the *Zeitschrift für Kulturgeschichte*. It contains articles, reviews, notes, and bibliographical indications. Among the articles in the first number we note "Die Wette," by Richard M. Meyer, and "Die Entstehung der neuuropäischen Formen des Lebens," by K. Breysig; in the second number, "Die Anfänge des Handwerks in Lübeck," by J. Höhler; and in each of these numbers, an instalment of "Selbstbiographie des Stadtpfarrers Wolfgang Ammon († 1634) von Marktbreit," contributed by Fr. Hüttner.

The *Revue des Questions Historiques* has appreciably increased its usefulness by extending its journal department. In addition to the usual analyses of articles in French periodicals, by M. Albert Isnard, the April number contains similar analyses for the periodicals of other countries: American and English, by F. Cabrol, Italian by P. Allard, Belgian by C. Callewaert.

The *Revue de Synthèse Historique* for February contains a criticism of some recent works by MM. Lacombe and Seignobos: "Méthode Historique et Science Sociale," by F. Simiand. Also, we note among other recent articles in this review: "Contribution à l'Histoire de la Méthode Historique," by G. Gentile; "De l'Influence Sociale des Principes Cartésiens. Un Précurseur Inconnu du Féminisme et de la Révolution: Poulin de la Barre," by H. Pieron (October and December); "Les Études Relatives à la Théorie de l'Histoire, en Italie, durant les Quinze Dernières Années," by B. Croce (December); "L'Appropriation Privée du Sol, Essai de Synthèse," by P. Lacombe (February); and "La Place de Spinoza dans l'Histoire des Doctrines Philosophiques," by N. Kostyleff (February). Also, the editor of this journal, M. Henri Berr, has begun the publication of an annual "Répertoire Méthodique pour la Synthèse Historique," to be distributed gratis to subscribers to the *Revue*. The first issue applies to the year 1901, and classifies its titles under the rubrics of theory and methodology in general, theories, history of history, and teaching of history. It may be added that M. Berr expects to publish soon the first volume of an *Introduction à la Synthèse Historique*.

The house of Welter, Paris, announces for early publication a complete *Bibliographie* of the doctoral theses sustained before the faculties of letters in France from 1810 to 1903, including that of Strasburg to 1870. It is to be alphabetically arranged, and provided with a detailed index. However, a book of this character and scope has just been issued by MM. Picard et Fils: *Répertoire Alphabétique des Thèses de Doctorat ès Lettres des Universités Françaises, 1810-1900*, by Albert Maire.

ANCIENT HISTORY.

A specially noteworthy article in the thirty-third fascicle of the *Dictionnaire des Antiquités Grecques et Romaines* (Hachette) is that under the words "mercator, mercatura," being a history of Greek and Roman commerce, by MM. Huvelin, Cagnat, and Besnier.

The second volume of the *University of Missouri Studies* opens with a number on "Ithaca or Leucas," in which Professor W. G. Manly discusses, from the literary and topographical evidence, the question of the location of Homeric Ithaca, considering especially the comparative claims of Leucas and Ithaca. He concludes in favor of Ithaca, in harmony with the traditional view.

Noteworthy articles in periodicals: A. Fairbanks, *Aristophanes as a Student of Society* (American Journal of Sociology, March); P. Allard, *L'Incendie de Rome et les Premiers Chrétiens* (Revue des Questions Historiques, April).

MEDIEVAL HISTORY.

Students of medieval history will find the latest annual report of the progress of the "Monumenta Germaniae Historica" in the *Sitzungsberichte* of the Royal Prussian Academy for May 7. The work in hand is of much interest but too extensive to describe here. Among the publications of the past year we note especially an edition, by H. Bresslau, of the real "Vita Bennonis II. episcopi Osnabrugensis auct. Nortberto abbate Iburgensi," and Section I., Vol. I., of the "Leges Visigothorum," edited by K. Zeumer.

M. A. Luchaire has lately published two articles which appear to be instalments of a considerable work upon Pope Innocent III.: "L'Avènement d'Innocent III.," in the last December *Compte-Rendu* of the Academy of Moral and Political Sciences; and "Innocent III. et le Peuple Romain," in the *Revue Historique* for March and April.

Noteworthy articles in periodicals: L. Schmidt, *Die Ursachen der Völkerwanderung* (Neue Jahrbücher für das klassische Altertum, etc., May); E. Vacandard, *Saint Victrice Évêque de Rouen (IV^e-V^e Siècles)* (Revue des Questions Historiques, April); W. Köhler, *Emperor Frederick II., the Hohenstaufe* (American Journal of Theology, April); G. de Lesquen and G. Mollat, *Mesures Fiscales exercées en Bretagne par les Papes d'Avignon à l'Époque du Grand Schisme d'Occident* (Annales de Bretagne, beginning in January).

MODERN HISTORY.

Mr. A. F. Pollard's *Thomas Cranmer (1489-1556)*, in the "Heroes of the Reformation," has just been issued. This leaves but one more volume to complete this series — Professor Williston Walker's *Calvin* (New York, Putnam).

From the report made by Professor von Zwiedenek, of Graz, at the seventh German Historikertag in April, it appears that the first instalment of the Vienna Academy's edition of the correspondence of the

Emperor Charles V. is now being prepared for the press. It will concern the years 1519 to 1531, and include his correspondence with Ferdinand, Margaret, and Mary of Hungary.

The current number of the *Revue Historique* (May-June) contains especially articles upon the history of the second half of the eighteenth and the early nineteenth century: further instalments of A. Bourguet's "Le Duc de Choiseul et la Hollande" and "Ch. E. Oelsner. Fragments de ses Mémoires Relatifs à l'Histoire de la Révolution Française"; and a translation of an article by A. Fournier which appeared in the *Deutsche Rundschau* for last September, "Marie-Louise et la Chute de Napoléon. Contribution à la Biographie de Marie-Louise."

The Oxford University Press announces for early publication a volume on *Napoleonic Statesmanship—Germany and France*, by H. A. L. Fisher. Nearly ready also is the second volume of Mr. Oman's *History of the Peninsular War*, which comes down through the battle of Talavera.

In the review of Ostrogorski's *Democracy and the Organization of Political Parties*, in our last number, it was stated that the French edition was not likely to appear at an early date. Contrary to expectation, it actually appeared between the time of the writing and publication of the review. The French edition was published by Messrs. Calman, Levy, et Cie., Paris.

"The Nineteenth Century" series has lately received two notable additions: *Economic and Industrial Progress*, by H. de B. Gibbins, and *Progress of the United States of America*, by W. P. Trent.

Noteworthy articles in periodicals: William Miller, *The Ionian Islands under Venetian Rule* (English Historical Review, April); M. A. Tucker, *Gian Matteo Giberti*, Part II. (English Historical Review, April); J. H. Rose, *France and the First Coalition before the Campaign of 1796* (English Historical Review, April); F. Salomon, *England und der Deutsche Fürstenbund von 1785* (Historische Vierteljahrschrift, April); General Trochu, *Notes sur la Guerre de Crimée*, I. (Revue de Paris, May 15); E. Ollivier, *Sadowa* (Revue des Deux Mondes, May 1), and *La Politique Française après Sadowa* (Ibid., May 15).

GREAT BRITAIN.

A project is on foot to reconstruct the old Pipe Roll Society and continue its work on lines strictly in accord with its original purpose. This society was organized in 1883, and in 1900, when its operations were suspended, it had published twenty-four volumes, of which seventeen volumes represented the reproduction in record type of the Pipe Rolls of the fifth to the twenty-first year of the reign of Henry II., while eight volumes were devoted principally to other documents prior to the year 1200. It is now proposed, if the society can be revived, to confine its operations to the publication of the Pipe Rolls from 22 Henry II. to 2 John—except 1 Richard I., which has been printed by the Record Commission—; to abandon record type and arrange in other

ways for economy ; and at the same time make all proper provision for satisfactory results. It is estimated that with a membership of two hundred and fifty the society would be able to issue two volumes yearly, of two hundred and fifty pages each. Approvals of this project, with indication of willingness to subscribe one guinea per annum, may be sent to W. Farrer, Leyburn, R. S. O., Yorks.

Mr. John Murray, London, has lately brought out *The Arts in Early England*, by Professor Baldwin Brown, in two volumes ; the first dealing with the life of Saxon England in its relation to the arts, the second treating of ecclesiastical architecture in England from the conversion of the Saxons to the Norman Conquest.

Recent months have witnessed the appearance of several especially important volumes of original material concerning two different parts of the British empire: *Accounts of the Lord High Treasurer of Scotland*.—Vol. IV., 1507–1573, edited by Sir James Balfour Paul (Edinburgh, His Majesty's General Register House), and *The Indian Mutiny: Selections from State Papers Preserved in the Military Department*.—Vols. II. and III., *Lucknow and Cawnpore*, edited by G. W. Forrest. The first volume was published some seven years ago (Calcutta, Military Department Press).

A limited de luxe edition, in twelve volumes, of the Hakluyt collection of *The Principal Navigators, Voiages, Traffiques and Discoveries of the English Nation*, is to be published in this country by The Macmillan Company. The question between the English publishers and the Hakluyt Society in regard to the inclusion of certain fresh material having been amicably arranged, this edition will be complete.

Some twenty-six narratives of voyages and travels, mainly of Elizabethan Englishmen, which have hitherto been consulted in "Arber's Garner," have been printed separately, in two volumes, with introduction by C. Raymond Beazley: *Voyages and Travels, mainly during the Sixteenth and Seventeenth Centuries* (London, Constable). This publication forms part of "An English Garner. Ingatherings from our History and Literature, the Original Impression of which is out of Print." Other parts of it recently published include *Tudor Tracts* and *Stuart Tracts*, with introductions respectively by A. F. Pollard and C. H. Firth.

Sir Reginald F. D. Palgrave has lately written a small volume on the royalist insurrection against the Protector's government in 1655 ; a relation of the part taken therein by the Protector, of the way in which his subjects regarded him and the insurrection, and of the causes and consequences thereof: *Oliver Cromwell*, etc. (London, Low).

Mr. Andrew Lang's Goupil monograph on *Prince Charles Edward Stuart, the Young Chevalier*, has been reproduced in a moderate-priced edition, and with numerous revisions (Longmans).

Among recent biographies are two that treat of prominent churchmen who have died recently: *Archbishop Temple*, by C. H. Dant (London, Walter Scott Publishing Co.) ; and *Life and Letters of Brooke*

Foss Westcott, sometime Bishop of Durham, by his son, Arthur Westcott. Also, Mr. J. R. Marriott has written a book upon George Canning which he would be glad to have the reader consider less as a biography than as an appreciation of Canning's policy, particularly his foreign policy: *George Canning and his Times: a Political Study* (London, Murray).

Noteworthy articles in periodicals: T. F. Tout, *The Fair of Lincoln and the "Histoire de Guillaume le Maréchal"* (English Historical Review, April); P. Thureau-Dangin, *Une Page de l'Histoire de l'Anglicanisme.—Les Débuts du Broad Church (1845-1865)* (Revue des Deux Mondes, May 1).

FRANCE.

The Lavis *Histoire de France* is now complete to near the middle of the sixteenth century, save the first volume, which still lacks the general historical introduction to be written by M. Lavis. The latest fascicles published contain a noteworthy "Tableau de la Géographie de la France," by M. Vidal de la Blache, and the first half of the second volume: "Le Christianisme, les Barbares.—Mérovingiens et Carolingiens," by MM. C. Bayet, C. Pfister, and A. Kleinclausz (Paris, Hachette).

A volume on *Mazarin*, by A. Hassall, has been added to the "Foreign Statesmen" series. In general, it takes a favorable view of Mazarin, setting forth that the debt of France to him is immense (Macmillan).

It is proposed to undertake an organized and exhaustive study of Rabelais and his work, and if possible publish eventually a national edition of his *Œuvres Complètes*. With this in view a committee headed by M. Abel Lefranc have lately been forming at Paris a "Société d'Études Rabelaisiennes." Prominent in their programme is the publication of a *Bulletin*, devoted to Rabelais and his time and to appear four times a year.

The February number of the *Revue de Synthèse Historique* contains a general survey of work done so far on the first Napoleon, by M. Charles Dufayard. Other such surveys in recent numbers relate mainly to the economic history of medieval France—M. Boissonnade has an article in the October number on the industrial classes in the middle ages, and one in the December number on commerce and the commercial classes in the same period—and to France in the sixteenth century. This field is treated by M. Henri Hauser in the October number.

The first of the four volumes promised by M. Hanotaux on *L'Histoire de la France Contemporaine* has lately appeared (Paris, Combet). It treats of the Thiers government: *Le Gouvernement de M. Thiers*. There is also an English translation of this work appearing, through Messrs. Putnam.

The house of C. Poussielgue, Paris, has undertaken a collection to be entitled *La France Monastique*, which will comprise new editions of rare works by the Benedictines of the seventeenth and eighteenth centuries,

hitherto unpublished documents, and studies in fields of monastic history not yet explored. Among the works announced for early publication in the first series are Bulteau's "Abrégé de l'Histoire de l'Ordre de Saint-Benoit," and Beaunier's "Recueil Historique, Chronologique et Topographique des Archevêches, Evêches, Abbayes et Prieurés de France." In the third series such subjects as monastic property, the Order of Cluny, and the Order of Cîteaux will be treated. An annual payment of twenty-five francs will entitle the subscriber to three octavo volumes yearly, and the work will be distributed only to subscribers.

M. G. Dupont-Ferrier announces, among other by-products of his recent monumental work upon monarchical institutions in France at the end of the middle ages, a book which will be indispensable to students of early modern French history: *Almanach Royal des Officiers de Baillages et Sénéchaussées*. It will appear in the "Collection des Documents Inédits."

The *Compte-Rendu* of the Academy of Moral and Political Sciences published in its last November number the bibliography which should have appeared at the head of the new edition of M. Levasseur's *Histoire des Classes Ouvrières*: "Les Sources Principales de l'Histoire des Classes Ouvrières et de l'Industrie en France."

Those who contemplate working upon the literary history of France will be interested in a paper by M. G. Lanson read to the Société d'Histoire Moderne in February, and since published in the April number of the *Revue d'Histoire Moderne et Contemporaine*: "Programme d'Études sur l'Histoire Provinciale de la Vie Littéraire en France."

A bibliographical review of interest to students of history as to those of other subjects has been undertaken by the house of Schleicher Frères et Cie in Paris: *Revue Générale de Bibliographie Française*. By its programme it will appear every two months, will contain a considerable number of reviews, and in addition a full and methodically arranged list of current publications in French, and will cost outside of France seven francs. In its reviews it will aim especially to redeem criticism of new books from the slough of advertising into which such work seems very generally to have fallen nowadays.

Noteworthy articles in periodicals: V.-L. Bourrilly, *Le Règne de François I^{er}. État des Travaux et Questions à Traiter*. I. (*Revue d'Histoire Moderne et Contemporaine*, May); H. Hauser, *Le Colbertisme avant Colbert et la Liberté du Travail sous Henri IV. Lyon et Tours (1596-1601)* (*Revue Bourguignonne Publiée par l'Université de Dijon*, for 1903, No. 1); P. de Ségur, *Le Procès de Sorcellerie du Maréchal de Luxembourg (1680)*.—I. *L'Arrestation* (*Revue des Deux Mondes*, May 15); E. Babut, *Une Journée au District des Cordeliers, le 22 janvier, 1790* (*Revue Historique*, March); M. Marion, *Les États de Bretagne sous Louis XVI.* (*Revue Historique*, March); A. de Ganniers, *Napoléon Chef d'Armée, Sa Formation Intellectuelle, — Son Apogée, — Son Déclin* (*Revue des Questions Historiques*, April); Armand Rébellion, *Re-*

cherches sur les Anciennes Corporations Ouvrières et Marchandes de la Ville de Rennes (Annales de Bretagne, beginning in November); J.-J. Marquet de Vasselot, *L'Histoire des Arts Industriels en France du XVI^e au XIX^e Siècle* (Revue d'Histoire Moderne et Contemporaine, March).

ITALY, SPAIN.

Plans are on foot at Arezzo for the celebration there, July 20, 1904; of the six hundredth anniversary of the birth of Petrarch. Persons interested should communicate with G. Duranti, Arezzo. It is planned to devote part of the money that may be collected to subsidizing critical editions of the works of Petrarch or to preparatory studies for a critical edition of all of Petrarch's works.

Messrs. Appleton announce for publication in the fall an English translation of Gregorovius's study of Lucrezia Borgia.

The Venetian Republic by Horatio Brown (London, J. M. Dent and Company, 1902) in the "Temple Primer Series" covers in outline in the course of 211 small pages the course of Venetian history from its earliest beginnings to the end, when after an existence of over 1,000 years it disappeared from history.

Spanish publications for 1899-1900 that relate to Spanish history are reviewed by R. Altamira in the current number of the *Revue Historique*. Also, a survey of publications relating to the general history of Spain in the modern period is given in the December number of the *Revue de Synthèse Historique*, by H. Léonardon.

GERMANY, SWITZERLAND.

The Société d'Histoire et d'Archéologie de Genève has devoted the sixth livraison of the current volume (Tome II.) of its *Bulletin* to a "Liste des Publications Relatives aux Sciences Historiques" made by its members between 1890 and 1900. It reflects the vigor of the society — there are some seventy-five pages — and will no doubt prove convenient to many students not among its members.

Apropos of commemorating the tercentenary of the Escalade Professor Charles Borgeaud, of the University of Geneva, contributed to the *Journal de Genève* of December 12, 1902, an article, afterward reprinted, entitled "Un Document Inédit de l'Époque de l'Escalade." In it he gives a French translation of the letter of Beza and the pastors of the Genevan church to Queen Elizabeth, recently discovered in the Public Record Office; calls attention to the generous financial response from England and Scotland (7,000 écus); and brings out the importance of the recently discovered share of King Philip III. of Spain in the almost miraculous escape of Geneva from the midnight attack of the Duke of Savoy. In this connection may be noted a considerable study, by Louis Dufour-Vernes, on "Les Défenseurs de Genève à l'Escalade," constituting the first livraison of the eighth volume (Nouvelle Série) of the *Mémoires et Documents Publiés par la Société d'Histoire et d'Archéologie de Genève*.

A survey of German publications during the year 1901 relating to modern and contemporary German history is given in the *Revue Historique* for May and June, by M. Philippson.

It is announced that the letters and telegrams addressed by Bismarck to his wife during the Franco-Prussian war have been discovered; that the greater part of them will appear first in the German family journal *Die Gartenlaube*; and that eventually all of them — between seventy and eighty in all — will be published by Cotta in Stuttgart. It is said that they furnish little matter bearing directly on public affairs.

Noteworthy articles in periodicals: B. Hilliger, *Der Schilling der Volksrechte und das Wergeld* (*Historische Vierteljahrschrift*, April); E. Marcks, *Albrecht von Roon. Seine Persönlichkeit und seine geschichtliche Stellung* (*Deutsche Rundschau*, May); R. Ehrenberg, *Entstehung und Bedeutung grosser Vermögen. Das Haus Parisch in Hamburg* (*Deutsche Rundschau*, April, May, June); A. Poisson, *La Politique Douanière de l'Empire Allemand. Le Prince de Bismarck, I.* (*Annales des Sciences Politiques*, May).

BELGIUM, HOLLAND.

The Bollandist Father J. Van den Gheyn, of the Royal Library at Brussels, announces that he will soon begin the publication of a *Revue des Bibliothèques et des Archives de Belgique*.

Mr. W. E. Griffis has written a *Young People's History of Holland*, an attractive volume, well written, and filled with good illustrations which are likely to interest and help the young reader (Boston, Houghton, 1903, pp. xiv, 322).

AMERICA.

As representatives of the Carnegie Institution, Dr. C. H. Van Tyne and Mr. W. G. Leland are preparing a guide to the archives of the government of the United States at Washington. When the investigation is finished, the guide, it is expected, will be printed by the Carnegie Institution. Nothing more than a general description of the sundry collections of historical material and administrative records of the government will now be attempted. All collections of archives, not only those of the executive departments but also those of the judicial and legislative branches of the government will be described in at least broad and general terms and after personal inspection. In a few cases, where the documents are of especial interest, and where definite information can be given, a somewhat more detailed statement will be prepared. The study is intended to be only preliminary, but of such a character as to be of immediate value and of interest to investigators.

Messrs. Appleton expect to issue in the fall the sixth volume of McMaster's *History of the American People*. It will include a special study of President Jackson.

The Library of Congress is publishing, under the editorship of Dr. Charles Henry Lincoln, a calendar of Paul Jones manuscripts in the library — part of the Peter Force Collection. There are 883 entries, making an octavo volume of over three hundred pages.

The January, 1903, number of *Historical Records and Studies* published by the United States Catholic Historical Society contains a number of articles of considerable interest: "The First Map Bearing the Name America," by C. G. Herbermann; "The Globe of Pope Marcellus II.," by B. F. De Costa; "A Year with the Army of the Potomac: Diary of the Reverend Father Tissot"; "Monsignor Bedini's Visit to the United States," with extracts from the official correspondence throwing light on the purpose of that visit, contributed by Peter Condon; "Constitutional Freedom of Religion and the Revivals of Religious Intolerance," a continuation of a previous article on this subject, this one treating of laws concerning religion and of anti-Catholic sentiment in the United States in the sixty or seventy years before the establishment of the Know-nothing party.

The chief features of the latest issue of *Americana Germanica* (Vol. IV., Nos. 3 and 4) are: "Dr. Karl Follen. Ein Lebensbild aus aufgeregten Zeiten in zwei Welttheilen," by H. A. Rattermann; "Three Swabian Journalists and the American Revolution. II. Ludwig Wekhrin," by John A. Waltz; and "Studies in Pennsylvania German Family Names," by Oscar Kuhns, — an article of considerable interest for the general subject of the development of modern names of persons.

A noteworthy addition to published sources on the American Revolution is running in the *German American Annals*, beginning with the January number: "Waldeck's Diary of the Revolution (1776 to 1780)." The same periodical contains also, in the March and April numbers, an important study relative to our industrial history in the early Federal period: "Industries of Pennsylvania after the Adoption of the Federal Constitution, with Special Reference to Lancaster and York Counties," by G. D. Luetscher. To be noted also: "An Old German Midwife's Record (1791 to 1815)" (concluded in the March number); and the continuation from the *Americana Germanica* of Waltz's "Three Swabian Journalists and the American Revolution."

In *Sally Wister's Journal*, edited by Albert Cook Myers (Ferris and Leach, 1902, pp. 224) will be found interesting and amusing material for the student of the social aspects of the Revolution. It is the narrative of a Quaker maiden's experiences with officers of the Continental army in 1777 and 1778, and will probably prove more valuable for the historical novelist than for the historical investigator. Much of it reads like chapters of the late Revolutionary romances, except that these pages are more vivid and the scenes more natural.

Dr. S. Weir Mitchell contributes to the April number of *The Pennsylvania Magazine of History and Biography*, "Historical Notes of Dr. Benjamin Rush, 1777," the most important portion of which appears to be an exceedingly clever characterization and classification of the Americans of those troublesome days that tried men's souls. This number also contains "Some Letters of Franklin's Correspondents," "Losses of the Military and Naval Forces Engaged in the War of the American

Revolution," and "Thomas Janney, Provincial Councillor," by Miles White, Jr.

Prominent among recent contributions to the history of the loyalists is *The Confiscation of John Chandler's Estate*, in which Andrew McFarland Davis treats of the misfortunes which befell Colonel John Chandler of Worcester in 1774 (Houghton, Mifflin, and Company).

The Aaron Burr Conspiracy, by W. F. McCaleb, has just been published (Dodd, Mead, and Company, 1903). It is based largely on new and hitherto unused sources. A résumé of the conclusions cannot here be given, but it may be said that they differ in many particulars from the interpretations of the conspiracy as given in Henry Adams's *History of the United States*.

Messrs. Callaghan and Company, of Chicago, have lately published *John Marshall*: his life, character and judicial services as portrayed in the centenary and memorial addresses and proceedings throughout the United States on Marshall Day, 1901, and in the classic orations of Binney, Story, Phelps, Waite, and Rawle.

The annual volume of the Niagara Historical Society for 1902 has just been published. It contains contemporary narratives of the War of 1812-1814 by Captain Merritt, Colonel Welham Claus, Lieutenant-Colonel Elliott, and Captain Jacob Norton, all of which have been edited by Lieutenant-Colonel Cruikshank.

Lieutenant-Colonel Cruikshank continues his *Documentary History of Campaigns upon the Niagara Frontier*, which he has prepared for the Lundy's Lane Historical Society. This volume (marked on the cover Part V. and on the title-page Part I., 1813) contains material on the latter part of 1812 and the first six months of 1813. The records are collected from many different sources, from the Canadian archives, *American State Papers*, files of newspapers, and letters in private hands. It is unfortunate that Colonel Cruikshank is called on to regret the impossibility of obtaining access to the war and navy records of the United States government.

We have seen the announcement of the publication of a *History of the Negotiations for the Treaty of Peace at Ghent*, purporting to contain the suppressed official discussions at Ghent in 1814 on the North American fisheries, independent territory, the northwest boundary, Canadian boundaries and fisheries, etc., with notes by R. S. Guernsey (published by the author, 56 Pine Street, New York).

Mr. Woodbury Blair, Mr. Gist Blair, Mr. Montgomery Blair, and Mrs. Stephen O. Richey have lately made to the Library of Congress a gift of unusual importance, the large collection of papers of Andrew Jackson which they received from their father, Montgomery Blair, Postmaster-General in Lincoln's cabinet. These papers comprise thousands of pieces, notably letters, muster rolls, military reports, and memoranda of speeches. They begin before 1800 and extend to the time of Jack-

son's death in 1845. They will not be accessible for some time, since they have to be gone over in detail and properly prepared for use.

The *Speeches and Writings of Daniel Webster* have been published by Little, Brown, and Company in eighteen volumes. The set includes, according to publishers' statement, not only the material heretofore published and edited by Edward Everett, but many letters, papers, and speeches not hitherto printed.

The list of "true" books has been increased of late by *The True Abraham Lincoln*, by William E. Curtis, who has before written similarly on Jefferson (Philadelphia, Lippincott).

Colonel T. W. Higginson's life of Longfellow in the "American Men of Letters" series is chiefly interesting to students of literature. It contains very little reference to public affairs or social movement (Boston, Houghton, Mifflin, and Company, 1902, pp. vi, 336).

Mr. Fred Lewis Pattee has edited for the Princeton Historical Association *The Poems of Philip Freneau*. The first volume, which has now appeared, contains a sketch of Freneau's life and an appreciation of his work. His activity as editor of the *National Gazette*, his relations with Jefferson, and his enthusiasm for French principles under the influence of what the editor calls the "wine of French Republicanism" are treated in an interesting way. Mr. Pattee believes that the reason for Freneau's having passed into the shadow of neglect is not due to lack of real worth in the man, but to prejudices born during the bitter and stormy period of partizan politics, when Freneau played a conspicuous part, winning the honor of arousing Washington's wrath and being called by the staid Father of his Country "that rascal Freneau." The reader will be surprised to find how much the poems of this obscure writer have been praised, and also how much he wrote. The editor seems to have shown energy and assiduity in collecting his material from many sources and to have annotated the writings with judgment. In this connection it may be noted that Messrs. Dodd, Mead, and Company have just brought out the long-promised *Bibliography of the Separate and Collected Works of Philip Freneau, together with an Account of his Newspapers*, by Victor H. Paltsits, of the Lenox Library.

We have received the *Review of Historical Publications relating to Canada for the year 1902*, the seventh successive volume edited as heretofore by Professor Wrong and Mr. Langton of the University of Toronto. It is a stout volume of 233 pages, and the book-notices seem to be of the vigorous quality noticeable in preceding issues. There are over 200 books and articles noticed; some of them, however, belong rather in the field of geography or of geology than that of history.

The Ontario Historical Society have just published an edition of *Galinee Narratives*, comprising the text and an English translation by James Coyne, president of the society. It contains an interesting prefatory note, and an unpublished map of Upper Canada in the seventeenth century.

Mr. F. Bradshaw's *Self-Government in Canada and How it was Achieved* passes as one of the best books published on the history of Canada in late years. Incidentally it gives a complete account of the Durham mission to Canada in 1838 (London, P. S. King).

The fifth volume of the *Publications of the Colonial Society of Massachusetts* is given up to transactions of the society. It is a continuation of a similar record in Volume III. The fourth volume is to be a volume of collections and to contain longer papers. We find here a number of communications of importance: Franklin's letter on the Boston Tea Party; the commission of George I. to the Bishop of London, 1726-1727; a paper by John Noble on the "Records and Files of the Superior Court of Judicature and of the Supreme Judicial Court"; and other papers and original documents. The volume covers the transactions of the latter part of 1897 and of the whole of 1898.

The W. B. Clarke Company, of Boston, have lately published, under the editorship of Anne Rowe Cunningham, *Letters and Diary of John Rowe, Boston Merchant*, covering the years 1759 to 1779, except 1763, with extracts from a paper written for the Massachusetts Historical Society by E. L. Pierce. Of interest for other aspects of New England, and at a little later period, will be *Life in a New England Town, 1787, 1788*, being the diary of John Quincy Adams while a student in the office of Theophilus Parsons at Newburyport; edited by Charles Francis Adams (Boston, Little, Brown, and Company).

The state of New York has published in four volumes, the last being devoted to an alphabetical index, *Military Minutes of the Council of Appointment of the State of New York, 1783-1821*, compiled and edited by Hugh Hastings, state historian. The lists are intended to include all appointments made by the council beginning with the last one mentioned in *New York in the Revolution*, and ending with the adoption of the new constitution in 1821. The first volume contains a sketch of the government of New York during colonial times. It is not quite plain why the title-page should read "1783-1821" and the cover "1784-1821," though the latter would seem to be correct.

The leading article in the January number of the *Pennsylvania Magazine of History and Biography* is a translation, by J. G. Rosengarten, of some observations on North America and the British colonies gathered from conversations with Franklin by a Professor Achenwall, of the University of Göttingen, which Franklin visited in the summer of 1766: "Achenwall's Observations on North America, 1767." Other features of this number are: "The Journal of Isaac Norris, during a trip to Albany in 1745, and an Account of a Treaty held there in October of that Year"; the conclusion of "The Society of the Sons of Saint Tammany of Philadelphia," by Francis Von A. Cabeen; "Excerpts from the Day-Books of David Evans, Cabinet-Maker, Philadelphia, 1774-1811"; and "How President Jefferson was Informed of Burr's Conspiracy," by James Morris Morgan.

In the December *Records* of the American Catholic Historical Society of Philadelphia may be noted especially, aside from continuations, a first series of "Selections from the Correspondence of the Late Mark Anthony Frenaye," from 1834 to 1856, and "Extracts from a Diary Kept during the Yellow Fever Plague in Philadelphia, Pa., in 1798."

In the sixth volume of the *Proceedings and Collections of the Wyoming Historical and Geological Society* appear, among other articles, "Chevalier de la Luzerne," by Edmund L. Dana, with a number of letters of Luzerne copied from the French archives; "Colonel Isaac Barré," by S. R. Miner; and other papers and original documents chiefly of local interest.

Under the title *Glimpses of Colonial Society and the Life at Princeton College, 1766-1773, by One of the Class of 1763*, Mr. W. Jay Mills has brought together a series of letters, most of them written by William Paterson. They deal chiefly with personal affairs (Lippincott, 1903, pp. 182).

Princeton University has published *Academic Honors in Princeton University, 1748-1902*. The material is compiled and edited by John Rogers Williams.

The most important matter in the March number of the *Publications of the Southern History Association* consists of documents, continued from preceding numbers. The most noteworthy perhaps are Redd's "General Joseph Martin," and the documents illustrating the development of the Texas revolutionary sentiment.

The *South Atlantic Quarterly* for April contains, of special interest, "The Industrial Decay of the Southern Planter" — a diagnosis of conditions before the war —, and "The Peace Movement in Alabama during the Civil War. I. Party Politics, 1861-1864," by W. L. Fleming.

The *John P. Branch Papers of Randolph-Macon College* now take final form — "an annual publication of short biographical sketches of men who have had great influence in shaping Virginia's history." The work is almost entirely that of college students, done under the direction of Professor William E. Dodd, but the current number (No. III.) contains a "Life-sketch of Captain Richard Kirby," by Bishop J. C. Granbury. In other articles, "Thomas Ritchie," over forty years editor of the *Richmond Enquirer*, is treated by C. T. Thrift; "Abel Parker Upshur," at first secretary of the navy and then head of the state department under Tyler, by R. E. McCabe; and "John Lewis, Founder of Augusta County," by G. H. Fielding. There is also an instalment of "The Leven Powell Correspondence," including a group of letters on Jefferson's election and a half-dozen Monroe letters concerning the French spoliation claims.

The matter of most general interest in the January and March numbers of the *Gulf States Historical Magazine* is probably that concerning W. L. Yancey: "Yancey: A Study," by John W. DuBose. Among other articles we note especially: "Executive and Congressional Directory of

the Confederate States of America" (January number); "Col. Charles C. Jones, Jr.," by Charles E. Jones (March); and "The Bonapartists in Alabama," by Anne Bozeman Lyon (March). There are also various interesting documents in both numbers.

Among recent evidences of interest in historical studies in the south are the appointment of a commissioner of records in Georgia — "for republishing earlier Georgia Reports, where copyrights on same have expired and for compiling and publishing . . . the Colonial, Revolutionary and Confederate records of Georgia" — and the organization of the Florida Historical Society, at Jacksonville, last November.

The most notable contents of the *American Historical Magazine* for April are "A Rebel Newspaper's War Story," an interesting narrative of the war history of the *Memphis Appeal*, by R. A. Halley, and "Military Government in Alabama, 1865-1866," by Walter L. Fleming. Among other matter in this number are "A Dictionary of Distinguished Tennesseans," by A. V. Goodpasture, and a "Sketch of Captain David Campbell," by Margaret Campbell Pilcher.

Publications of the Mississippi Historical Society, Vol. VI., has an abundance of valuable articles that have more than local interest and significance. Possibly special attention should be directed to the "First Annual Report of the Director of Archives and History," which gives an encouraging account of the work that is being done for the preservation and arrangement of historical material; also to Professor T. H. Lewis's paper on the "Route of De Soto's Expedition from Taliepacana to Huhasene;" to Mr. Frank Johnston's "Suffrage and Reconstruction in Mississippi;" and to "Origin of the Pacific Railroads, and Especially of the Southern Pacific," by Mr. Edward Mayes.

The latest number in the "American Explorers" series concerns particularly the life and adventures of Joseph La Barge, pioneer, navigator, and Indian trader: *History of Early Steamboat Navigation on the Missouri River*, two volumes, by H. M. Chittenden (New York, F. P. Harper).

In the *Iowa Journal of History and Politics* for April, Professor Benjamin F. Shambaugh gives "A Brief History of the State Historical Society of Iowa"; President E. J. James makes an appeal for the study of state history: "State History in the Public High Schools"; and Joseph W. Rich deals with "The Hampton Roads Conference."

A considerable part of the April number of the *Annals of Iowa* is devoted to "An Iowa Fugitive Slave Case — 1850," reported by George Frazee. Among the other contents may be noted "Coming into Iowa in 1837" — a report of the experience of the Duffield family, by George C. Duffield — and "Transfusion of Political Ideas and Institutions in Iowa," by F. I. Herriott.

We note in the April *Quarterly* of the Texas State Historical Association: "The Disturbances at Anahuac in 1832," by Edna Rowe; "The Alamo Monument," by C. W. Raines; and a second instalment of "Reminiscences of Early Texans," by J. H. Kuykendall.

A movement is on foot to reorganize the California Historical Society, which published during its active existence from 1886 to 1895 considerable valuable material. In connection with this project goes a proposal to organize a Pacific coast branch of the American Historical Association, about seventy of whose members reside on the Pacific coast.

A biography of Admiral Sloat, who at Monterey in 1846 raised the American flag and took possession of California, has been written by Major Edwin A. Sherman, secretary of the Sloat Monument Association of California; *Life of the Late Rear-Admiral John Drake Sloat, U. S. N.* (sold by the author, 1364 Franklin Street, Oakland, California).

The *Quarterly of the Oregon Historical Society* for December has several interesting articles: "The Oregon Central Railroad"—concerning the beginning of Oregon railroad development—by Joseph Gaston; "History of the Press of Oregon, 1839-1850," by George H. Himes; and "The Archives of Oregon," in which, evidently, Professor F. H. Young gives the matter in regard to Oregon that will ultimately appear in a report of the Public Archives Commission. There are also documents, notably "Letters of Peter H. Burnett," relative to the emigrating expedition of 1843. The Oregon Historical Society, by the way, is particularly desirous of collecting historical material; and any one knowing of the whereabouts of any book, document, pamphlet, letter, diary, paper, weapon, or utensil of any kind that has had any relation to the early settlement of the original Oregon territory will confer a favor by notifying the assistant secretary, George H. Himes, Portland. The work of the society along this line should be of special interest in view of the approaching exposition (at Portland, in 1905) in celebration of the hundredth anniversary of the Lewis and Clark exploration of the Oregon country.

Noteworthy articles in periodicals: F. J. Turner, *The Significance of the Louisiana Purchase* (Review of Reviews, May); C. Becker, *Elections in New York in 1774* (Political Science Quarterly, March); General John B. Gordon, *Antietam and Chancellorsville and Gettysburg* (Scribner's Magazine, June and July); Lucy M. Salmon, *How Should the Entrance Examination Paper in History be Constructed?* (Educational Review, June).

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